

9 no 13



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 126] Jammu, Thu., the 13th Feb., 2014/24th Magha, 1935. [No. 46-10

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
J&K, SRINAGAR.

Before : Kishore Kumar (District and Sessions Judge).

File No. 830.

Date of Institution 27-04-2011.

Date of Award : 18-12-2013.

Ghulam Qadir Ahanger
S/o Late Sana-Ullah Ahanger,
R/o Hari Bhat, Srinagar.

Versus

1. Managaing Director,
J&K Project Construction
Corporation, Srinagar.
2. Dy. General Manager,
J&K Project Construction
Corporation, Srinagar.

3. Administrative Officer,
J&K Project Construction
Corporation, Srinagar.

Petitioner

(Respondents)

In the Matter of :— Petition under section 33-c (2), sub-section (2) of Industrial Disputes Act, 1947 read with section 15, sub-section 3 of the Payment of Wages Act, for recovery of the amount of Leave Salary due to the petitioner.

Appearance :— Workman/Petitioner in person.

L. C. for the management

Award

1. This is a direct industrial dispute filed by the workman under section 33 (c), sub-section (2) of Industrial Disputes Act, 1947 read with section 15, sub-section 3 of Payment of Wages Act for recovery of the amount of leave salary due to the petitioner (hereinafter to be referred as the "Act"). It is stated in the claim by the workman that he was appointed as Black Smith vide Order Estt. 46 DW/4877-4907 dated 21-11-1981 in J&K Project Construction Corporation, Srinagar and retired on 28-02-1999.

2. The petitioner was given the leave salary for four (4) months only at the time of his retirement. The petitioner has further contended that respondent, JKPCC was brought within the domain of the State Government vide SRO No. 27 dated 05-02-1998 and the rules and regulations as applicable to the employees of the State are also applicable to the employees of the JKPCC. Since all the rules and regulations as per CSR are applicable to the State Government Employees, so the petitioner was also entitled to the same privileges as of the State Government Employees at par.

3. That as per SRO-124 dated 17-04-1998 all the Government Employees are entitled to 10 months leave salary so the petitioner is also

entitled to leave salary of 10 months equivalent 300 days. The petitioner has been given only 4 months leave salary and 6 months leave salary is outstanding. The leave salary being the retirement benefit falls within the provisions of section 33-c (2) of Industrial Dispute Act, 1947. It is also submitted by the petitioner that he has been deceived and dogged by the respondent and due to the inaction of the respondent, the petitioner has filed the present petition seeking the recovery of outstanding leave salary of six months along with interest and compensation on account of mental agony of the petitioner.

4. Upon being served, the respondent filed the objections, *inter alia* pleading that the petitioner is the employee of the corporation who has got all the pensionary benefits as admissible under the Corporation rules. It is further submitted that no cause of action has accrued to the petitioner as he has received all the pensionary benefits along with other retired personnel of the corporation. The corporation has its own service rules and as per the rules, the corporation pays salary, gratuity etc. to its employees from its own resources, no budget support is made by the Centre or State Government. The respondent has admitted that as per the approval of the competent authority of the Corporation (JKPCC), the J&K Service (Leave Rules) have been incorporated and made admissible to the employees of the corporation w. e. f. 01-04-2008 and prior to 01-04-2008 the employees of the corporation were entitled to only 120 days leave encashment as per rules and regulations of JKPCC. The employees of JKPCC were entitled to only 120 days leave encashment and the same has been paid to the petitioner. After a long gap the petitioner has disputed the leave salary which cannot be permitted at the belated stage.

5. The petitioner has relied upon the photostat copy of service book and one certificate of last pay drawn certificate duly issued by the D. D. O. Heard and considered.

Heard and Considered.

6. The petitioner has relied the contents of the petition in his arguments whereas the counsel for the respondent prayed for the dismissal of the petition on the plea of no cause of action has accrued to the petitioner and the statement of claim is not maintainable on the ground of laches/belated stage.

7. The moot question for the adjudication by this tribunal is that whether the workman is entitled to leave salary of 300 days and if so, whether the said claim is maintainable under section 33-c (2) of I. D. Act, 1947. To answer this question it is apt to reproduce section 33-c (2) of Industrial Disputes Act, 1947 which reads as under :—

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed then the question may subject to any rules that may be made under this Act be decided by such Labour Court as may be specified in this behalf by the appropriate Government within a period not exceeding three months provided that where the Presiding Officer of Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing extend such period by such further period as he may think fit.”

8. It is also pertinent to reproduce section 15, sub-section (3) of Payment of Wages Act which reads as under :—

“When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or the other person responsible for payment of wages under section 3, or give them an opportunity of being heard, and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and [not exceeding twenty-five rupees in the later, and even if the amount deducted or the delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees”.

9. The Ld. Counsel for the respondent has argued that in a case entitled “Krishan Prasad Gupta V. Controller, Printing and Stationery”

published as AIR 1996 Supreme Court 408, the Hon'ble Supreme Court has observed that :—

“The character and function of the Labour Court under the Industrial Disputes Act as also the authority under the Payment of Wages Act are similar in purpose and both are designed to produce the same result particularly as some of the provisions under both the Act prescribe the same thing to be done. The Industrial Disputes Act, 1947 and the Payment of Wages Act, 1936 are, therefore, “Corresponding Law” qua each other particularly as both are part of the same social legislative canopy made by the Parliament for immediate amelioration of workmen's plight resulting from non-payment, or delayed payment, or, for that matter, short payment of their wages”.

10. In AIR 2010 Supreme Court 3563 in a case entitled “Vijaya Bank V. Shyamal Kumar Lodh” the same view was taken. It was observed that—

“12. From a plain reading of section 33-c (2) it is evident that money due to a workman has to be decided by such Labour Court “as may be specified in this behalf by the appropriate Government.” Section 7 of the Industrial Disputes Act, 1947 inter alia confers power to the appropriate Government for constitution of one or more Labour Courts for the adjudication of industrial disputes. It is also prescribes qualification for appointment as Presiding Officer of a Labour Court. Explanation appended to section 33-c of the Act provides to include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State as Labour Court. The under lying object behind inserting explanation seems to be varying qualification prescribed for appointment of Presiding Officers of Labour Court by different State enactments. The Parliament took note of the fact while inserting explanation that there are different kinds of Labour Courts constituted under Industrial Disputes Act and State Acts and a question may arise whether a Labour Court constituted under Acts, Central or State could entertain a claim made under section 33-c (2) of the Act.

13. An explanation is appended ordinarily to a section to explain the meaning of words contained in that section. In view of the explanation aforesaid Labour Court shall include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. Money due to an employee under section 33-c (2) is to be decided by "Labour Court as may be specified in this behalf by the appropriate Government". Therefore, the expression "Labour Court" in section 33-c (2) has to be given an extended meaning so as to include Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. It widens the choice of appropriate Government and it can specify not only the Labour Courts constituted under section 7 of the Industrial Disputes Act, 1947 but such other Courts constituted under any other law relating to investigation and settlement of industrial disputes in force in any State".

11. So in view of the above, it is safe to hold that this tribunal is competent to adjudicate dispute raised by the workman.

12. From the perusal of record it is established which is not also disputed by the respondent that the petitioner hereinabove was an employee of the JKPC. It has also been admitted by the respondent that J&K Service (Leave) Rules have been made applicable to the employees of JKPC with effect from 01-04-2008 dated 10-07-2008 and prior to 1-04-2008 the employees of JKPC were entitled to 120 days leave encashment and after 1-04-2008 when the J&K Service (Leave) Rules were made applicable to the employees of the Corporation. It is also not out of place to mention that against the clear admission of the respondents there was no scope for this tribunal to hold further enquiry.

13. To solve the controversy it is profitable to reproduce SRO-124 dated 17-04-1998 which reads as under :—

"Notification

Dated Jammu, the 17th April, 1998.

SRO-124.—In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor

is pleased to direct that the following amendments shall be made in the J&K Civil Services Regulations, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Services (LTC) Rules, 1996 :—

II. In J&K Civil Services (Leave) Rules, 1979—

- (a) The following shall be inserted as 2nd proviso below Rule 26 (b) (1) :—

“Provided that with effect from 01-07-1997, the maximum limit for accumulation of Earned Leave shall be 300 days”.

- (b) The following shall be inserted as proviso below Rule 37 (2) (1) :—

“Provided that with effect from 01-07-1997, the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of Earned Leave”.

Cash in lieu of leave salary.—(1) A Government servant may be paid cash equivalent of leave salary in respect of period of earned leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions :—

- (i) The payment of cash equivalent of leave salary shall be limited to a maximum of 240 days of earned leave ;
- (ii) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement ;
- (iii) Cash payment will be equal to leave salary admissible for earned leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement.

No other allowance like compensatory allowance, border allowance, mufasil allowance, house rent allowance or any other allowance will be admissible as part of leave salary.

14. The purport of SRO-124 dated 17-04-1998 is that the State Government Employees regulated under the JKPCC, CSR, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Service Rules (LTC) is entitled to maximum limit for accumulation of earned leave of 300 days w. e. f. 1-07-1997.

15. As per Article 82 of sub-clause (V) of the Memorandum and Articles of Association of JKPCC the directors shall have the powers with the sanction of the Governor, i. e. to say—

“(V) To appoint and promote and at their discretion remove, retire or suspend such managers, secretaries, officers, clerks, agents and servants, for permanent, temporary or special service as they may, from time to time think fit and to determine their powers and duties and fix their salaries and emoluments and to require security in such installments and to such amount as they think fit provided that no appointment the maximum pay of which is Rs. 3000 or more per mensem shall be made without the prior approval of the Governor.

Provided that such appointment, retirement and removal shall be made in accordance with the provisions of Jammu and Kashmir Civil Service Rules, 1956, Government Servant Conduct Rules, Recruitment Rules and other service rules and regulations in force in the State from time to time.”

16. The next leg of the arguments is that JKPCC has adopted the J&K Civil Service Rules 1979, Civil Service (Medical Attendance and Allowance) 1990 and T/E Rules, vide Order No. 82 dated 10-07-2008. It is

imperative to reproduce the Order No. 82/2008 passed by the respondent, JKPCC, which reads as under :—

“Subject :—Implementation of the Jammu and Kashmir Civil Service (Leave) Rules, 1979, Civil Services (Medical Attendance and Allowance) Rules, 1990 and T. A. Rules.

Reference :—Decision taken by the Budget/Establishment Sub-Committee of JKPCC Ltd. under the Chairmanship of Commissioner/Secretary to Government, Finance Department on 10th of April, 2008 Order No. 82 of 2008 dated 10-07-2008.

Consequent upon the approval formally conveyed by the Board of Directors in its 83rd meeting held on 17-06-2008 under the Chairmanship of Hon'ble Minister for R&B (Chairman, JKPCC Ltd.), sanction is accorded to the implementation of the Jammu and Kashmir Civil Services (Leave) Rules and T. A. Rules as applicable to the State Government employees shall henceforth apply strictly to the employees of the Corporation. This will, however, take effect from 01-04-2008. However, cases already settled after 01-04-2008 to the date of issuance of orders shall not be reopened.

(Sd.)

Managing Director,
JKPCC Ltd., Srinagar, dated 10-7-2008”.

17. Now the question arises whether the petitioner who retired prior to the issuance of Order No. 82 dated 10-07-2008 is entitled to encashment of 10 months as leave salary. The answer would be in negative because of the reason that the leave rules known as J&K Civil Service (Leave Rules) of 1979 has been adopted by the corporation w. e. f. 1-04-2008. The Order No. 82 of 2008 crystal clear states that—

“The Jammu and Kashmir Civil Services (Leave) Rules, 1990 and T. A. Rules as applicable to the State Government employees shall

henceforth apply strictly to the employees of the Corporation and cases already settled after 01-04-2008 to the date of issuance of order shall not be reopened”.

18. The petitioner has received the benefit under Leave Rules, 1979 as the same were adopted by JKPC w. e. f. 1-04-2008. The employee on his retirement shall be entitled to leave salary of 10 months vide SRO-124 dated 17-04-1998, if an employee owns leave to credit. If we go by the contention of the petitioner that all the employees who retired before 01-04-2008 are entitle to the benefit of leave salary then all the employees of the State are entitled to leave encashment of 10 months irrespective of year of their retirement on or before 01-07-1997.

19. The petitioner has also submitted that the petitioner has been ignored of his legitimate right of leave salary encashment of 10 months and same has been withheld, whereas other blue-eyed employees of the Corporation were given the leave encashment of 10 months. Though SRO-124 was issued on 17-04-1998 by the Government of Jammu and Kashmir and the employees of the State Government were given the benefit of leave encashment/leave salary of 10 months on their superannuation w. e. f. 01-07-1997 but the said rules known as JKCSR Leave Rules, 1997 were adopted by the respondent only on 10-07-2008 giving the benefit of leave salary of 10 months to its employees on their superannuation w. e. f. 01-04-2008.

20. On this account also the petitioner is not found any benefit of Order No. 82 of 2008 of the JKPC dated 10-07-2008. So far as the petitioner's argument that some of the employees were provided the benefits of leave salary of 10 months as SRO-124 passed by the authority under the Payment of Wages Act, there is nothing on the record which could prove that the said order passed by the authority under the Payment of Wages Act District Srinagar (Assistant Labour Commissioner, Srinagar) was challenged by the competent authority or not. The petitioner has failed to prove that he is entitled to leave salary of 10 months on his superannuation on 30-6-2006.

21. The next limb of arguments of the petitioner is that he has been requesting the respondent time and again for the release of his leave salary

also does not influence the court in the absence of any proof of filing any receipt of filing of any application of representation before the competent authority. If the plea of the petitioner is admitted for arguments sake then there will be a flood gate of litigation by all the retired employees before 01-04-2008.

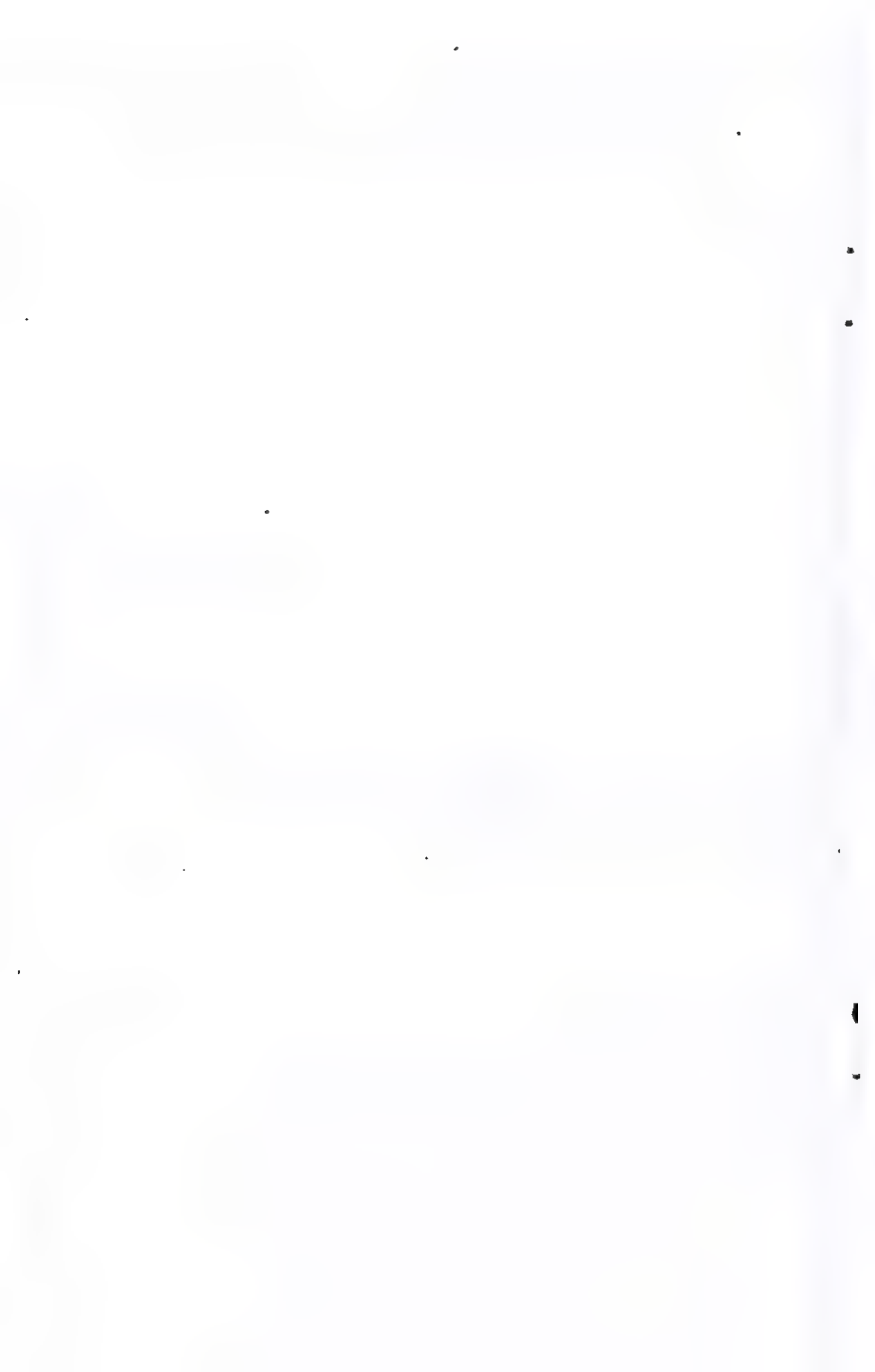
22. For what has been discussed above, I am of the concerned view that the workman/petitioner is not entitled to the relief claimed by him. The petition deserves to be dismissed and the same is dismissed accordingly. File to go to records under rule.

23. A copy of this award be sent to the Government of Jammu and Kashmir through its Commissioner/Secretary, Labour Department for information and publication in the Government Gazette.

Announced :

Dated : 18-12-2013.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K,
Srinagar.





THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 126] Jammu, Thu., the 13th Feb., 2014/24th Magha, 1935. [No. 46-11

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
J&K, SRINAGAR.

Before : Kishore Kumar (District and Sessions Judge).

File No. 836.

Date of Institution 13-05-2011.

Date of Award : 17-12-2013.

Mohammad Muzaffar Haqani S/o Mohammad Yaseen, R/o Batwara, Srinagar.	Versus	1. Managaing Director, J&K Project Construction Corporation, Srinagar.
--	--------	--

Petitioner

(Respondents)

In the Matter of :— Petition under section 33 (c), sub-section (2) of
Industrial Disputes Act, 1947 read with section 15,

sub-section 3 of Payment of Wages Act, for recovery of the amount of Leave Salary due to the petitioner.

Appearance :— Workman/Petitioner in person.

L. C. for the management

— — —
Award

1. This petitioner being retired employee of the respondent viz. J&K Project Contruction Corporation, Srinagar has raised the present industrial dispute before this Tribunal for adjudication for the release of his Leave Salary for 300 days by invoking the provisions of section 33(c), sub-section (2) of Industrial Disputes Act, 1947 read with section 15 of Payment of Wages Act on the averments that he was appointed as Senior Assistant in JKPCC vide Order No. 30/JKPCC/65/EST dated 18-10-1965 and consequent to this order, he joined on 20-10-1965 and retired on 31-03-2005 as per Order No. JKPCC/J/900-25 dated 07-12-2004, after rendering 39 years, 05 months and 11 days.

2. The petitioner was given the leave salary for four (4) months only at the time of his retirement. The petitioner has further contended that respondent, JKPCC was brought within the domain of the State Government vide SRO No. 27 dated 05-02-1998 and the rules and regulations as applicable to the employees of the State are also applicable to the employees of the JKPCC. Since all the rules and regulations as per CSR are applicable to the State Government Employees, so the petitioner was also entitled to the same privileges as of the State Government Employees at par.

3. That as per SRO-124 dated 17-04-1998 all the Government Employees are entitled to 10 months leave salary so the petitioner is also entitle to leave salary of 10 months equivalent 300 days. The petitioner has been given only 4 months leave salary and 6 months leave salary is outstanding. The leave salary being the retirement benefit falls within the provisions of section 33 (c) (2) of Industrial Dispute Act, 1947. It is also submitted by the petitioner that he has been deceived and dogged by the respondent and due to the inaction of the respondent, the petitioner has filed the present petition seeking the recovery of outstanding leave salary

of six months along with interest and compensation on account of mental agony of the petitioner.

4. Upon being served, the respondent filed the objections, inter alia pleading that the petitioner is the employee of the corporation who retired on 31-03-2005 after getting all the pensionary benefits as admissible under the corporation rules. It is further submitted that no cause of action has accrued to the petitioner as he has received all the pensionary benefits along with the other retired personnel of the corporation. The corporation has its own service rules and as per the rules, the corporation pays salary, gratuity etc. to its employees from its own resources, no budget support is made by the Centre or State Government. The respondent has admitted that as per the approval of the competent authority of the Corporation (JKPCC), the J&K Service (Leave Rules) have been incorporated and made admissible to the employees of the corporation w. e. f. 01-04-2008 and prior to 01-04-2008 the employees of the corporation were entitled to only 120 days leave encashment as per rules and regulations of JKPCC. The petitioner retired on 31-03-2005 and at that time, the employees of JKPCC were entitled to only 120 days leave encashment and the same has been paid to the petitioner. After a long gap of six years the petitioner has disputed the leave salary which cannot be permitted at the belated stage.

5. The petitioner filed the rejoinder and reiterated the same facts as of the petitioner and further submitted that the petitioner has received the part payment of leave salary under protest and in pursuance of the order of Accountability Commission. It is also stated that the Corporation has given the benefits to the blue eyed persons thereby ignoring the senior most employees. One Mr. G. M. Shah retired as Sr. Assistant of JKPCC Unit-V, Anantna was paid leave salary @ 300 days as leave encashment in compliance to the order passed by Assistant Labour Commissioner, Anantnag vide order dated 16-01-2005. The petitioner has approached the respondent time and again for the release of six months Leave Encashment Salary and non-applicants always paid a deaf ear.

6. The petitioner has reiterated the contents of the petition in his arguments whereas the counsel for the respondent prayed for the dismissal of the petition on the plea of no cause of action has accrued to the petitioner and the statement of claim is not maintainable on the ground of laches/belated stage.

7. The moot question for the adjudication by this tribunal is that whether the workman is entitle to leave salary of 300 days and if so whether the said claim is maintainable under section 33c (2) of I. D. Act, 1947. To answer this question it is apt to reproduce section 33 c (2) of Industrial Disputes Act, 1947 which reads as under :—

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed then the question may subject to any rules that may be made under this Act be decided by such Labour Court as may be specified this behalf by the appropriate Government within a period not exceeding three months provided where the Presiding officer of Labour Court considers it necessary or expedient so to do he may for the reasons to be recorded in writing extend such period by such further period as he may think fit.”

8. It is also pertinent to reproduce section 15, sub-section (3) of Payment of Wages Act which reads as under :—

“When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or the other person responsible for payment of wages under section 3, or give them an opportunity of being heard, and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and [not exceeding twenty-five rupees in the later, and even if the amount deducted or the delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees”.

9. The Ld. Counsel for the respondent has argued that in a case entitled “Krishan Prasad Gupta V. Controller, Printing and Stationery”

published as AIR 1996 Supreme Court 408, the Hon'ble Supreme Court has observed that :—

“The character and function of the Labour Court under the Industrial Disputes Act as also the authority under the Payment of Wages Act are similar in purpose and both are designed to produce the same result particularly as some of the provisions under both the Act prescribe the same thing to be done. The Industrial Disputes Act, 1947 and the Payment of Wages Act, 1936 are, therefore, “Corresponding Law” qua each other particularly as both are part of the same social legislative canopy made by the Parliament for immediate amelioration of workmen's plight resulting from non-payment, or delayed payment, or, for that matter, short payment of their wages”.

10. In AIR 2010 Supreme Court 3563 in a case entitled “Vijaya Bank V. Shyamal Kumar Lodh” the same view was taken. It was observed that—

“12. From a plain reading of section 33c (2) it is evident that money due to a workman has to be decided by such Labour Court “as may be specified in this behalf by the appropriate Government.” Section 7 of the Industrial Disputes Act, 1947 inter alia confers power to the appropriate Government for constitution of one or more Labour Courts for the adjudication of industrial disputes. It is also prescribes qualification for appointment as Presiding Officer of a Labour Court. Explanation appended to section 33-c of the Act provides to include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State as Labour Court. The under lying object behind inserting explanation seems to be varying qualification prescribed for appointment of Presiding Officers of Labour Court by different State enactments. The Parliament took note of the fact while inserting explanation that there are different kinds of Labour Courts constituted under Industrial Disputes Act and State Acts and a question may arise whether a Labour Court constituted under Acts, Central or State could entertain a claim made under section 33c (2) of the Act.

13. An explanation is appended ordinarily to a section to explain the meaning of words contained in that section. In view of the explanation aforesaid Labour Court shall include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. Money due to an employee under section 33c(2) is to be decided by "Labour Court as may be specified in this behalf by the appropriate Government". Therefore, the expression "Labour Court" in section 33c (2) has to be given an extended meaning so as to include Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. It widens the choice of appropriate Government and it can specify not only the Labour Courts constituted under section 7 of the Industrial Disputes Act, 1947 but such other Courts constituted under any other law relating to investigation and settlement of industrial disputes in force in any State".

11. So in view of the above, it is safe to hold that this tribunal is competent to adjudicate dispute raised by the workman.

12. From the perusal of record it is established which is not also disputed by the respondent that the petitioner hereinabove was an employee of the JKPCC who superannuated on 31-03-2005 as reflected in the copy of the service book placed on file. This factum of retirement of petitioner on 31-03-2005 as been admitted by the respondent in of their objections placed on the file. It has also been admitted by the respondent that J&K Service (Leave) Rules have been made applicable to the employees of JKPCC with effect from 01-04-2008 dated 10-07-2008 and prior to 1-04-2008 the employees of JKPCC were entitled to 120 days leave encashment and after 1-04-2008 when the J&K Service (Leave) Rules were made applicable to the employees of the corporation. It is also not out of place to mention that against the clear admission of the respondents there was no scope for this tribunal to hold further enquiry.

13. To solve the controversy it is profitable to reproduce SRO-124 dated 17-04-1998 which reads as under :—

"Notification

Dated Jammu, the 17th April, 1998.

SRO-124.—In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor

is pleased to direct that the following amendments shall be made in the J&K Civil Services Regulations, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Services (LTC) Rules, 1996 :—

11. In J&K Civil Services (Leave) Rules, 1979—

- (a) The following shall be inserted as 2nd proviso below Rule 26 (b) (1) :—:

“Provided that with effect from 01-07-1997, the maximum limit for accumulation of Earned Leave shall be 300 days”.

- (b) The following shall be inserted as proviso below Rule 37 (2) (1) :—

“Provided that with effect from 01-07-1997, the payment of cash equivalent of leave salary shall be limited to a maximum of 300 days of Earned Leave”.

Cash in lieu of leave salary.—(1) A Government servant may be paid cash equivalent of leave salary in respect of period of earned leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions :—

- (i) The payment of cash equivalent of leave salary shall be limited to a maximum of 240 days of earned leave ;
- (ii) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement ;
- (iii) Cash payment will be equal to leave salary admissible for earned leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement.

No other allowance like compensatory allowance, border allowance, mufasil allowance, house rent allowance or any other allowance will be admissible as part of leave salary.

14. The purport of SRO-124 dated 17-04-1998 is that the State Government Employees regulated under the JKPC, CSR, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Service Rules (LTC) is entitled to maximum limit for accumulation of earned leave of 300 days w. e. f. 1-07-1997.

15. As per Article 82 of sub-clause (V) of the Memorandum and Articles of Association of JKPC the directors shall have the powers with the sanction of the Governor, i. e. to say—

“(V) To appoint and promote and at their discretion remove, retire or suspend such managers, secretaries, officers, clerks, agents and servants, for permanent, temporary or special service as they may, from time to time think fit and to determine their powers and duties and fix their salaries and emoluments and to require security in such installments and to such amount as they think fit provided that no appointment the maximum pay of which is Rs. 3000 or more per mensem shall be made without the prior approval of the Governor.

Provided that such appointment, retirement and removal shall be made in accordance with the provisions of Jammu and Kashmir Civil Service Rules, 1956, Government Servant Conduct Rules, Recruitment Rules and other service rules and regulations in force in the State from time to time.”

16. The next leg of the arguments is that JKPC has adopted the J&K Civil Service Rules 1979, Civil Service (Medical Attendance and Allowance) 1990 and T/E Rules, vide Order No. 82 dated 10-07-2008. It is

imperative to reproduce the Order No. 82/2008 passed by the respondent, JKPCC, which reads as under :—

“Subject :—Implementation of the Jammu and Kashmir Civil Service (Leave) Rules, 1979, Civil Services (Medical Attendance and Allowance) Rules, 1990 and T. A. Rules. -

Reference :—Decision taken by the Budget/Establishment Sub-Committee of JKPCC Ltd. under the Chairmanship of Commissioner/Secretary to Government, Finance Department on 10th of April, 2008 vide Order No. 82 of 2008 dated 10-07-2008.

Consequent upon the approval formally conveyed by the Board of Directors in its 83rd meeting held on 17-06-2008 under the Chairmanship of Hon'ble Minister for R&B (Chairman, JKPCC Ltd.), sanction is accorded to the implementation of the Jammu and Kashmir Civil Services (Leave) Rules and T. A. Rules as applicable to the State Government employees shall henceforth apply strictly to the employees of the Corporation. This will, however, take effect from 01-04-2008. However, cases already settled after 01-04-2008 to the date of issuance of orders shall not be reopened.

(Sd.)

Managing Director,
JKPCC Ltd., Srinagar, dated 10-7-2008”.

17. Now the question arises whether the petitioner who retired prior to the issuance of Order No. 82 dated 10-07-2008 is entitled to encashment of 10 months as leave salary. The answer would be in negative because of the reason that the leave rules known as J&K Civil Service (Leave Rules) of 1979 has been adopted by the corporation w. e. f. 1-04-2008. The Order No. 82 of 2008 crystal clear states that—

“The Jammu and Kashmir Civil Services (Leave) Rules, 1990 and T. A. Rules as applicable to the State Government employees shall

henceforth apply strictly to the employees of the Corporation and cases already settled after 01-04-2008 to the date of issuance of order shall not be reopened”.

18. The petitioner has received the benefit under Leave Rules, 1979 as the same were adopted by JKPCO w. e. f. 1-04-2008. The employee on his retirement shall be entitled to leave salary of 10 months vide SRO-124 dated 17-04-1998, if an employee owns leave to credit. If we go by the contention of the petitioner that all the employees who retired before 01-04-2008 are entitled to the benefit of leave salary then all the employees of the State are entitled to leave encashment of 10 months irrespective of year of their retirement on or before 01-07-1997.

19. The petitioner has also submitted that the petitioner has been ignored of his legitimate right of leave salary encashment of 10 months and same has been withheld, whereas other blue-eyed employees of the corporation were given the leave encashment of 10 months. Though SRO-124 was issued on 17-04-1998 by the Government of Jammu and Kashmir and the employees of the State Government were given the benefit of leave encashment/leave salary of 10 months on their superannuation w. e. f. 01-07-1997 but the said rules known as JKCSR Leave Rules, 1997 were adopted by the respondent only on 10-07-2008 giving the benefit of leave salary of 10 months to its employees on their superannuation w. e. f. 01-04-2008.

20. On this account also the petitioner is not found any benefit of Order No. 82 of 2008 of the JKPCO dated 10-07-2008. So far as the petitioner's argument that some of the employees were provided the benefits of leave salary of 10 months as SRO-124 passed by the authority under the Payment of Wages Act, there is nothing on the record which could prove that the said order passed by the authority under the Payment of Wages Act District Srinagar (Assistant Labour Commissioner, Srinagar) was challenged by the competent authority or not. The petitioner has failed to prove that he is entitled to leave salary of 10 months on his retirement in the year 2005.

21. The next limb of arguments of the petitioner is that he has been requesting the respondent time and again for the release of his leave salary

also does not influence the court in the absence of any proof of filing any receipt of filing of any application of representation before the competent authority. If the plea of the petitioner is admitted for arguments sake then there will be a flood gate of litigation by all the retired employees before 01-04-2008.

22. For what has been discussed above, I am of the concerned view that the workman/petitioner is not entitle to the relief claimed by him. The petition deserves to be dismissed and the same is dismissed accordingly. File to go to records under rule.

23. A copy of this award be sent to the Government of Jammu and Kashmir through its Commissioner Secretary, Labour Department for information and publication in the Government Gazette.

Announced :

Dated : 18-12-2013.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K,
Srinagar.





**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Wed., the 16th April, 2014/26th Chai., 1936. [No. 2-6

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

**GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JAMMU.**

File No. 256/I. T. L. C.

D. O. I. 05-03-2013.

D. O. O. : 16-4-2014.

Sh. Damodar Singh Sodhi

S/o Sh. Balwan Singh

R/o Ward No. 14, Near Govt. Girls Middle School, Sawan Chak, Kathua.

Applicant

Versus

1. The Jammu and Kashmir Projects Construction Corporation Ltd.,
through its Managing Director, Panama Chowk, Rail Head Complex,
Jammu.

2. Financial Controller, J&K PCC Ltd., Panama Chowk, Jammu.

Non-Applicants

In the Matter of : —Petition under section 33-C(2), of sub-section (2) of Industrial Tribunal Act for payment of leave salary and arrears of salary.

Award

1. Petitioner has raised a direct industrial dispute under the Industrial Tribunal Act for the payment of leave salary and arrears of salary averring therein that the applicant after serving JK PCC, non-applicant has retired from service on superannuation on 31-01-2010 as a Foreman. At the time of retirement the salary of the applicant as per 6th Pay Commission was Rs. 22,792 but not paid.

2. That the applicant has put in 28 years of service with the non-applicant. He was appointed on 07-09-1982 and retired on superannuation on 31-01-2010.

3. That the non-applicants have paid the cash in lieu of leave salary for 175 days in the year 2010, whereas the applicant is entitled for 300 day's leave salary in cash on the basis of last pay and now balance in due Rs. 1,37,845 as well as arrears of salary for the period of 01-01-2006 to 31-01-2010.

4. That as per SRO-124 dated 17-04-1998 issued by the Finance Department, J&K Govt. the applicant is entitled to arrears of leave encashment for 10 months.

5. That besides this, all employees of the Govt. Undertaking, Corporation of J&K are being paid 10 months cash in lieu of earned leave i. e. Leave Salary.

6. That the non-applicant Corporation is an undertaking of the State Govt. and the rules have been made applicable to the Corporation.

7. That J&K Employees (Conduct) Rule, 1971 has been extended to all the employees of Govt. irrespective whether they belong to the Govt. Department or the Corporation by virtue of SRO-47 dated 05-02-1971. Once the employees of the corporation/undertaking have been declared at par with the Govt. employee under the above said Act, the J&K Civil Service Leave Rules *suo moto* extends to them also.

8. That the leave salary and arrears of salary is a part of wages and claim for leave salary, arrear of salary arises directly from the operation of Payment of Wages Act.

9. That the only condition is that leave should have already been earned for the purpose of claim of leave salary from the duration of availed leave.

10. That the Leave Salary of 125 days out of total ten months as well as salary is a part of wages which has been earned by the applicant and has not been paid till date.

11. That the applicant through his counsel has also served legal notice dated 07-02-2011 upon the non-applicants for the payment of leave encashment Rs.1,15,302 being less paid for 125 days, arrear of salary and difference of gratuity is Rs. 1,11,626 within period of 30 days even then, the same has not been paid. A copy of notice, postal receipt and A. D. are attached herewith and marked as Annexure-A.

12. That the respondents are liable to pay to the applicant Rs. 1,15,302, along with interest 18% P. A. Cost being the arrears of leave encashment for remaining 125 days and arrear of salary.

13. That the applicant has repeatedly requested the non-applicant for release of remaining 125 days leave salary and arrears of salary for the period of 01-01-2006 to 31-01-2010 but they have delayed the same either on one pretext or the other.

14. That the cause has arisen to the applicant to claim leave encashment, arrear of salary as the same has not been paid as such the petition is within time. If the Hon'ble Tribunal feels that there is delay in filing petition. The same may very kindly be condoned.

15. That number of other employees who have retired from services of non-applicant and were not given the leave encashment for 10 months, arrear of salary, had approached the authorities under Payment of Wages Act. The order/judgement have been passed in their favour and as per information of applicant, the leave encashment for 10 months in place of 175 days have already been paid.

16. That the applicant has been approaching the non-applicant for the release of benefit on the same grounds as the matter has been decided by Competent Hon'ble Commissioner under the Payment of Wages Act, but the non-applicants are taking different stand. In many cases, they have paid.

17. Thereafter file was posted for filing of the objections whereupon respondents/non-applicants filed objections averring therein :—

Preliminary objections :—

1. That the above titled petition filed by the applicant being grossly misconceived on fact as well as in law deserves to be dismissed outrightly more so in view of following submissions.
2. That the answering respondents most respectfully submits that Jammu and Kashmir Project Construction Corp. Ltd. being a Body Corporation Limited is governed by its own rules and regulations duly passed in consonance with the prevailing schemes.
3. That the Jammu and Kashmir Project Construction Corporation is run by its employees permanent as well as temporary, whose services and conduct are squarely governed by the Jammu and Kashmir Project Corporation Employees Service and Regulations, which were duly adopted by the answering respondent as "The JKPCC Service Regulations" which provides provisions for unveiled leave rules called as JKPCC leave rules which also applied to all the employees of the Corporation, whether permanent or temporary.

4. That it is submitted that the above said rules and regulations were clearly open and known to every person/employee of the Corporation including the applicant herein at the time of the appointment and during the service and the employees opting for the service of the Corporation have voluntarily accepted the rules of Corporation including the pay structure and other rules.
5. That it is submitted that the Finance Deptt., J&K Govt. issued SRO-124 dated 17-04-1998 were under only State Govt. Employees are entitled for 300 days as cash in lieu of leave salary and not the Corporation employees. The JKPCC has its own leave rules whereunder only 120 days are being paid up to 31-03-2008 as cash in lieu of salary at the time of the retirement.
6. That as per the Jammu and Kashmir Corporation Employees Service Rules and Regulations which were duly adopted by the answering respondent as "The JKPCC Service Regulations which provides provision for unavailed leave called as JKPCC Rules" also which leave applied to all the employees of the corporation whether permanent or temporary. It is submitted that under the above said leave rules the Corporation employees were entitled for 120 days as cash in lieu of leave salary for unavailed earned leave at the time of the retirement up to 31-03-2008.
7. That the leave salary rules for applicable to all the employees/ex-employees of JKPCC are paid as per JKPCC Service rules, and it is further apprised that the rules are amended and regulated by the Board of Directors and it is submitted for the kind consideration of this Hon'ble Tribunal that the Board of Directors in its 81st board meeting has enhanced the leave encashment to 300 days and the same shall take effect from 01-04-2008. The applicant retired from service on superannuation on 31-01-2010 and paid leave salary up to 31-03-2008 120 days and 55 days w. e. f. 01-04-2008 to 03-01-2010 (Total 175 days) .

18. It is further submitted while refuting the claim of the petitioner that he was appointed on 07-09-1982 and retired on 31-01-2010 as a Mechanic and the Sixth Pay Commission has been applicable to the employees of the corporation. The leave salary of 120 days was enhanced from 120 to 300 days and the decision come into effect from 01-04-2008. Since the petitioner retired on 31-01-2010 so he was given the benefit of enhanced leave salary. The petitioner was found entitled to leave salary of 175 days and the same was paid accordingly. It is also submitted that JKPCC is a company registered under Companies Act and is not Government Department, as such it is governed by its own rules and regulations.

Heard and Considered.

19. Ld. Counsel for the petitioner has argued that the genuine demand/claim of the petitioner has been rejected by the respondents as the petitioner was entitled to leave salary of 300 days in view of SRO-124 dated 17-04-1998 and order No. 82 of 2008 dated 10th July, 2008, and in terms of SRO-124 dated 17-04-1998 the respondents are bound to pay ten (10) months leave salary to the petitioner and vide Government Notification Order No. 19-GR of 1980 dated 20-04-1980 ten months leave salary is admissible. That the petitioner is a workman and Respondent No. 1 is the employer under Section 22 of Industrial Disputes Act and is responsible for the payment of wages under Section 3 of the Act. That the petitioner is entitled to receive the leave salary for a period of ten months whereas the respondent has paid only 175 days leave salary to the petitioner who is otherwise entitled to receive 125 days leave salary due to him amounting Rs. 1,15,302/- along with arrears of salary as per 6th Pay Commission. That the leave salary is the retirement benefit of the petitioner and the petitioner is within his rights to seek the redressal of his grievance under the provisions of Payment of Wages Act also. That the cause of action has accrued to the petitioner on the date when the leave salary became due that is 30-04-2010 and is a recurring cause as being a claim against the respondents. That the petitioner was appointed within the territorial jurisdiction of this Hon'ble Tribunal. Petitioner finally prayed that a direction be issued to the respondents for the payment of leave salary to the tune of Rs. 1,15,302/- and arrears of salary of 6th Pay Commission along with

interest, in rebuttal Ld. Counsel for the respondents has argued that the petition filed by the petitioner is a time barred and is not entitled to any relief of 300 days leave encashment as prayed for by him.

20. Before leaping further, it is apt to reproduce section 33-C (2) of Industrial Disputes Act, 1947 which reads as under :—

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed then the question may subject to any rules that may be made under this Act be decided by such Labour Court as may be specified in this behalf by the appropriate Government within a period not exceeding three months provided where the Presiding Officer of Labour Court considers it necessary and expedient so to do he may for the reasons to be recorded in writing extend such period by such further period as he may think fit.”

21. It is also apt to reproduce section 15-sub-section 3 of Payment of Wages Act which reads as under :—

“When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or the other person responsible for payment of wages under section 3, or give them an opportunity of being heard, and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and [not exceeding twenty five rupees in the later, and even if the amount deducted or the delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees].”

22. In AIR 2010 Supreme Court 3563 is a case titled "Vijaya Bank Vs. Shyamal Kumar Lodh", it was observed that,

"12. From a plain reading of Section 33-C (2) it is evident that money due to a workman has to be decided by such Labour Court "as may be specified in this behalf by the appropriate Government." Section 7 of the Industrial Disputes Act, 1947 *inter alia* confers power to the appropriate Government for constitution of one or more Labour Courts for the adjudication of industrial disputes. It also prescribes qualification for appointment as Presiding Officer of a Labour Court. Explanation appended to Section 33-C of the Act provides to include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State as Labour Court. The underlying object behind inserting explanation seems to be varying qualification prescribed for appointment of Presiding Officers of Labour Court by different State enactments. The Parliament took note of the fact while inserting explanation that there are different kinds of Labour Courts constituted under Industrial Disputes Act and State Acts and a question may arise whether a Labour Court constituted under Acts, Central or State could entertain a claim made under section 33-C (2) of the Act.

13. An explanation is appended ordinarily to a section to explain the meaning of words contained in that section. In view of the explanation aforesaid Labour Court shall include any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. Money due to an employee under Section 33-C (2) is to be decided by "Labour Court as may be specified in this behalf by the appropriate Government". Therefore, the expression "Labour Court" in Section 33-C (2) has to be given an extended meaning so as to include Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State. It widens the choice of appropriate Government and it can specify not only the Labour Courts constituted under Section 7 of the Industrial Disputes Act, 1947 but such other Courts constituted under any

other law relating to investigation and settlement of industrial disputes in force in any State.”

23. So in view of the above, it is safe to hold that this tribunal is competent to adjudicate upon the dispute raised by the workman.

24. The Ld. Counsel for the respondents has argued that the petitioner is not entitled to any relief claimed by him and at the time of his retirement he was granted all retirement benefits including the leave salary of 175 days and presently nothing is outstanding. As per Order No. 82 of 2008 dated 10th of July, 2008, every employee of the respondent, is entitled to leave encashment at par with the Leave Rules, T. A. Rules etc., as applicable to the State Government employees w. e. f. 01-04-2008.

25. The L. C. petitioner has further submitted that, the petitioner was retired on 31-01-2010 as Foreman and the benefits of leave salary were not paid to him in toto despite the implementation of Leave Rules, TA rules, in view of Order No. 82 of 2008 dated 10 July, 2008 for the reason best known to the respondents.

26. The purport of SRO-124 dated 17-04-1998 is that the State Govt. Employees regulated under the JKPCC, CSR, J&K Civil Service (Leave) Rules, 1979 and J&K Civil Service Rules (L. T. C.), are entitled to maximum limit for accumulation of earned leave of 300 days w. e. f. 1-07-1997.

27. The next leg of the arguments is that JKPCC has adopted the J&K Civil Service Rules, 1979, Civil Service (Medical Attendance and Allowance) Rules, 1990 and T/E Rules vide Order No 82 dated 10-07-2008.

28. It is imperative to reproduce the Order No. 82/2008 passed by the respondent, JKPCC, which reads as under :—

“Subject :— Implementation of the Jammu and Kashmir Civil Service (Leave) Rules, 1979, Civil Services (Medical Attendance and Allowance) Rules, 1990 and T. A. Rules.

Reference :— Decision taken by the Budget/Establishment Sub-Committee of JKPCC Ltd. under the

Chairmanship of Commissioner/Secretary to
Govt., Finance Department on 10th of April, 2008,
Order No. 82 of 2008 dated 10-07-2008.

Consequent upon the approval formally conveyed by the Board of Directors in its 83rd meeting held on 17-06-2008 under the Chairmanship of Hon'ble Minister for R&B (Chairman, JKPCC Ltd.), sanction is accorded to the implementation of the Jammu and Kashmir Civil Services (Leave) Rules and T. A Rules as applicable to the State Government employees shall henceforth apply strictly to the employees of the Corporation. This will however, take effect from 01-04-2008, However, cases already settled after 01-04-2008 to the date of issuance of orders shall not be reopened.

(Sd.)

Managing Director,
JKPCC Ltd., Srinagar,
Dated 10-7-2008"

29. The factum of retirement of petitioner on 31-01-2010 has been admitted by the respondent. It has also been admitted by the respondent that J&K Service (Leave) Rules have been made applicable to the employees of JKPCC with effect from 01-04-2008 dated 10-07-2008 and prior 1-04-2008 the employees of JKPCC were entitled to 120 days leave encashment and after 1-04-2008 when the J&K Service (Leave) Rules were made applicable to the employees of the Corporation. It is also not out of place to mention here that against the clear admission of the respondents there was no scope for this tribunal to hold further enquiry.

30. From the appraisal the rival contentions of the counsel for the parties and the record, the date of retirement of the petitioner and the entitlement of leave encashment of 300 days to the employees of Corporation are not in controversy. At the time of retirement every employee of the JKPCC was entitle to leave encashment of 300 days like the petitioner but surprisingly the petitioner was paid leave encashment of 175 days only. Why the petitioner was not granted 300 days, has not been clarified by the

respondents. Further, the implementation Sixth Pay Commission has also not been denied by the respondent and the petitioner is entitled the arrears on account of salary in view of Sixth Pay Commission.

31. It is not understood that when J&K Service (Leave) Rules were made applicable with effect from 01-04-2008 why leave salary was withheld by the JKPCC as the petitioner had retired on 31-01-2010. Who was entitled for 10 months leave encashment salary but the same was withheld by the JKPCC which speaks volume of the conduct of the Corporation while dealing with its own employees. However it is made clear that the claim of the petitioner has been withheld by the Corporation. Who was otherwise entitled to 10 months leave salary encashment and the claim of the petitioner is recurring as such is not hit by any limitation period.

32. Reliance is also placed on AIR 2005 SC 1843. The Hon'ble Supreme Court has observed in para 17 of the judgement as under :—

“17. In *Nedungada Bank Ltd.* (Supra) a Bench of this Court, where S. Saghir Ahmed was a member (His Lordship was also a member in *Ajaib Singh* (Supra) opined—

6. Law does not prescribe any time limit for the appropriate Government to exercise its powers under section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under section 10 of the Act in the circumstances like the present one. In fact it could be said

that there was no dispute pending at the time when reference in question was made.”

So it is safe to say that the claim of the petitioner is not time barred.

33. It has also astonished this tribunal that when the applicability of J&K Service (Leave) Rules have been admittedly made applicable then on what justification the claim of the Petitioner stands withheld. It is not out of place to mention that J&K Service (Leave) Rules were made applicable vide Office No. 82 of 2008 dated 10-07-2008 with effect from 01-04-2008 by none other than the respondent/Corporation itself, thus non-disbursement to the petitioner amounts to withholding of valid claim of the petitioner which cannot be permitted in those circumstances. More so the claim of the petitioner has already been recognized and settled by the respondents when the J&K Service (Leave) Rules were made applicable to the Corporation as such are required to be computed and paid to the petitioner hereinabove without any inordinate delay.

34. For what has been discussed above it is held that the petitioner is entitled to leave encashment salary of 10 months as per J&K Service Rules and the arrears of salary (leave) in view of 6th Pay Commission along with interest @ 10% from the date of institution of this petition till its realization and any amount already received on account of leave encashment salary by the petitioner shall be deducted.

35. It is further directed that respondents shall also pay an amount of Rs. 10000/- as compensation to the petitioners. The file after due completion be consigned to records.

Announced in the open court.

Dated 16-04-2014.

(Sd.) KISHORE KUMAR,
District and Sessions Judge,
Presiding Officer,
Industrial Tribunal/Labour Court,
J&K, Jammu.



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Srinagar, Tue., the 6th May, 2014/16th Vai., 1936. [No. 5-1

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B

Notifications, Notices and Orders by Heads of Departments.

GOVERNMENT OF JAMMU AND KASHMIR,
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU.

File No. 179/LC

D. O. I. 04-10-2010.

D. O. A. : 06-05-2014.

Manoj Kumar Raina S/o Late Sh. Prithvi Nath Raina R/o, C/o Bharat General Store, Sharda Colony, Patoli Brahmana, Barnai, Jammu Tawi, Tehsil and District Jammu.

Applicant

Versus

1. Mr. Dhananjay Bapat, General Manager, Marketing Co. Amitex Polymers Pvt. Ltd. 17, Tribhuvan Complex, Ishwar Nagar (Near Godrej Bhawan), Friends Colony (West), New Delhi-110065 (India).

2. Mr. Ashish Sabharwal, Director, Amitex Polymers Pvt. Ltd. 17, Tribhuban Complex, Ishwar Nagar (Near Godrej Bhawan), Friends Colony (West), New Delhi-110065.

Non-Applicants

In the Matter of :—Application by applicant directing the Non-Applicants to pay the arrears of salary/wages along with local expenses since May, 2010 till date and permit the applicant to join his services in the said concern.

Award

1. The petitioner on being aggrieved at the hands of the respondent, has raised an industrial dispute by invoking the provisions of section 33-C, clause 2 for the payment of the arrears of salary/wages along with local expenses since May, 2010 till date and permit the applicant to join his services contending therein that he was appointed as Territory Incharge, J&K by the Non-Applicant No. 1 vide order dated 05-10-2009 in the aforesaid company.

2. That since from the date of appointment till date the applicant worked to the entire satisfaction of his higher officers and has never given any chance of any complaint.

3. That in the month of ending June, 2010 the applicant's wife was hospitalized and there was no other person in the family of the applicant to look after the affairs of the applicant's house and other formalities in the hospital and as such the applicant had approached the higher office to grant medical leave so as to look after his wife and his domestic pursuit and moreover in the mean time the applicant's daughter also fell ill due to which

the applicant could not attend his duties due to his personal and other domestic problems and had even applied for extension of his leave telephonically from the higher office.

4. That knowing fully well that the applicant is suffering too much due to the illness of his wife as well as his daughter and is unable to resume his duties, even then the Non-Applclicant No. 1 has not released the salary/wages of the applicant till date, in spite of the fact that the applicant had approached the concerned office for release of the same.

5. That M/s. Patel Sanitary Wares, Aknonor Road, Jammu is the exclusive C&F for Amitex Polymers Pvt. Ltd., 17, Tribhuban Complex, Ishwar Nagar (Near Godrej Bhawan), Friends Colony (West), New Delhi and the applicant has been assigned the job of placing orders before him of the interested traders who want to purchase the products of the company for running their business smoothly which the applicant was doing with dedication, hard working and zealously.

6. That the applicant has recently contacted the head office that the applicant was to join the services again but the Non-Applclicant No.1 even have threatened him to terminate the applicant from his services without any reason whatsoever instead of paying any heed to the genuine demand of the applicant or to consider the woeful tale of the applicant sympathetically.

7. That under Company's rules an employee working is entitled to medical leave and other kind of leave in case of any emergency. That the human problems which are natural to mortals like applicant herein, do give rise sometimes to such eventualities which are beyond the man's control to face and in spite of the fact that the applicant had submitted the copies of the ailment of his wife and daughter as well even by the applicant himself in the office as the applicant was also not feeling well since long, but it is most unfortunate the Non-Applclicant No. 1 has neither paid the salary/wages since from May, 2010 till date to the applicant nor permitted him to resume his services in the company, hence the applicant has no other efficacious remedy but to file the present application before this Court.

8. And finally prayed that in the interest of justice and fair play the Non-Applicant No.1 may kindly be directed to release the salary /wages in favour of the applicant inclusive of local expenses from May, 2010 till date and the Non-Applicant No.1 may also be directed to allow the applicant to resume his services again.

9. Respondents were served through register covers and were set *ex parte* on their failure to participate in the proceedings as such the petitioner was directed that to lead evidence in *ex parte*. He has produced the following witnesses and their statements are as under :—

10. P. W. I, Manoj Kumar Raina has deposed,—

“(i) That I am working with the opposite party and I have joined the said services on 05-10-2009 on a monthly salary of Rs.13000/- as Territory Incharge for J&K State and nearby areas ;

(ii) That from May, 2010 I was not paid a single penny as salary and during my service period I was allowed by the opposite party to incur the expenses as and when required for conduction the business of the said company ;

(iii) That in the month of June, 2010 I fell ill and accordingly I intimated to the opposite party for sanction of my leave for some days, instead of sanctioning of my leave the officers of the said concern/opposite party have threatened me that your services will be terminated with immediate effect without giving any advance notice/prior notice ;

(iv) That I the applicant/complainant is suffering for want of money/salary and the expenses incurred by me to the tune of Rs. 15000/- plus interest thereon w. e. f. May, 2010 till date as I have not been informed by giving a prior notice well in time ;

(v) That for recovery I have filed application on 04-10-2010 which is pending in this Hon'ble Court for consideration on humanitarian grounds ;

(vi) That I am a married person and my family is starving as I have no source of income to feed and give my school going children well education. Hence this affidavit is solicited."

11. P. W. 2, Vijay Kumar has deposed,—

"(i) That the petitioner was appointed as Area Manager at monthly salary of Rs.13000/- per month and his job was to get the supply order and he has worked till ending August of the year 2010. His pay is outstanding since May, 2010. The petitioner has demanded his arrears of pay from the respondent and his prayer was declined by the respondents."

Heard arguments gone through the file.

12. Before proceeding further it is imperative to decide,—

"Whether the petitioner is covered under the provision of Industrial Disputes Act".?

13. To answer this question, it is apt to reproduce section 33-C (2) of Industrial Disputes Act, 1947 which reads as under :—

"Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed then the question may subject to any rules that may be made under this Act be decided by such labour court as may be specified in this behalf by the appropriate Government within a period not exceeding three months provided where the Presiding Officer of Labour Court considers it necessary and expedient so to do he may for the reasons to be recorded in writing extend such period by such further period as he may think fit."

14. It is also pertinent to reproduce section 15, sub-section (3) of Payment of Wages Act which reads as under :—

"When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or the other

person responsible for payment of wages under section 3, or give them an opportunity of being heard, and after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under this Act, direct the refund to the employed person of the amount deducted, or the payment of delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and [not exceeding twenty five rupees in the later, and even if the amount deducted or the delayed wages are paid before the disposal of the application, direct the payment of such compensation, as the authority may think fit, not exceeding two thousand rupees].”

15. From the perusal of the provisions contained under Section 33-C (2) of Industrial Disputes Act, 1947 as well as under section 15, sub-section (3) of the Payment of Wages Act, 1936 it reveals that this tribunal is competent to adjudicate upon the matters covered under section 33-C(2) of Industrial Dispute Act, 1947.

16. So far as the relief claimed by the petitioner is concerned i. e. of two folds one is of 33-C (2) of Industrial Dispute Act, 1947 and the other is of under section 10 of the Act. So far as the dispute under section 10 of Industrial Dispute Act is concerned, for that the petitioner has to move before the Conciliation Officer for the redressal of his grievance and on whose failure report, the Govt. may send a reference to this court. But in the present case, the petitioner has filed a direct petition which is not permitted under the statute and also in view of the notification published in “The Gazette of India Extraordinary.”

17. There is an amendment in the Industrial Dispute Act known as “Industrial Dispute (Amendment) Act, 2010 (No. 24 of 2010) dated 18th August,” the relevant portion of the amendment reproduced as under :—

“3. Section 2A of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered the following sub-sections shall be inserted, namely : —

“(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may make an

application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of three months from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to an industrial dispute referred to it by the appropriate Government.

(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1)."

18. The appointment letter dated 5th October, 2009 reveals that he was appointed as Territory Incharge for Jammu/Udhampur range only on a probation of six month from the date of his joining and his services can be terminated from either side by giving 24 hours notice. The appointment letter is profitable to be reproduced which is as under :—

"To,

5th October, 2009.

Mr. Manoj Kumar Raina
C/o Bharat General Store,
Sharda Colony, Potoli Barahamana,
Barnai, Jammu-Tawi-181206.

Dear Mr. Manoj Kumar Raina

This has reference to your application/personal interview the management is pleased to inform you that you are appointed as Territory Incharge in our Organization stationed at Jammu-Udhampur.

As agreed, you will be paid monthly salary of Rs. 13000/- (Thirteen Thousand) consolidated, inclusive all allowances and benefits.

You are placed on probationary period of six months from the date of your joining. Your appointment is purely probationary and it can be terminated from either side by giving 24 hours notice.

The above period can further extended to six months, if your performance is felt below desired level. After successful probation, you will be considered for regular employment in the company. Thereafter, your service is terminable by giving one month notice or salary in lieu thereof by either side, without assigning any reason.

Your service is liable to be terminated in case of continued or intermittent ill health, misconduct, loss of faith, inefficiency, commission of an act involving moral turpitude.

During the period of services with us you will not either directly or indirectly engage yourself privately elsewhere.

Your service is transferable to any unit/establishment of the concern inside/outside Delhi and for this you will not be entitled to any extra wages/allowances.

That during or after the stipulated probationary period, you will adhere to all the rules and regulations of the company as applicable from time to time.

That if you absent yourself without leave or remain absent beyond the period of leave originally granted or subsequently extended, you shall be considered as having voluntarily left the employment, without any further reference unless you.

1. Return to work within eight days of the commencement of such absence ; and
2. Have given an explanation to the satisfaction of the management for such absence.

That you will not divulge any information or secret relating to the affairs of the company, which may come to your knowledge in the course of your employment, to any outsider.

If you conceal, suppress or manipulate any information or facts about qualification, age or experience, it will amount to gross misconduct and you will be liable to immediate termination.

For Amitex Polymers Pvt. Ltd.

(Sd.) ASHISH SABHARWAL

(Director)".

19. Another question comes for consideration "whether the petitioner falls within the definition of workman and for that section 2(S) of the Industrial Dispute Act, is reproduced which is as under :—

‘Workman’ means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharge or retrenched in connection with or, as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him functions mainly of a managerial nature."

20. From the perusal of the appointment letter it is crystal clear that the petitioner was appointed as Territory Incharge on probation of six months and is covered in the definition of workman.

21. The petitioner has not produced any documentary proof which could prove that the petitioner had joined the services of the respondent and was getting Rs .13000/- per month. The extension of probation of six months is also not clarified by the petitioner. There is nothing on record about the joining of the services of the petitioner.

22. The petitioner is seeking the salary benefits and reinstatement under the Industrial Disputes Act, 1947. The application is a composite application for the release of wages w. e. f. May, 2010 along with a direction to the respondents to allow the petitioner to join the duties.

23. So far as the relief of payment of wages under section 33 (C), clause 2 in this regard the petitioner has to prove that he has worked with the respondent for the period claimed for. He has not brought on record of wages register, ESI card etc. to substantiate his contention in this regard. Neither the workman at any stretch of time has urged the court to direct the management to produce any such record in court.

24. Petitioner has nowhere produced any evidence in support of the payment of wages/salary for the period he has worked. As per appointment letter the petitioner had to join the services w. e. f. 5th October, 2009 and if he had joined on 5th October 2009 then undoubtedly he was appointed for six months only i. e. uptill April, 2010 and there must be some record of the payment of salary, may be in the shape of cheque or some other mode. To continue after the probation period of six months, there must be the extension of probation period and subsequent appointment letter to be issued.

25. In the absence of any proof of working with the respondent i. e. attendance sheet, ESI card, Muster Roll or drawl slip, the plea of the petitioner for the payment of the wages/salary w. e. f. May, 2010 till October, 2010, can not be considered and no relief can be passed.

26. For what has been discussed above, it is opined that the petitioner has failed to make out a case for the relief prayed for. Accordingly the petition is dismissed. File shall go to records. A copy of this award shall go to the concerned authorities for its publication under law.

Announced :

Dated 06-05-2014.

(Sd.) KISHORE KUMAR,

District and Sessions Judge,
Presiding Officer,
Industrial Tribunal Labour Court,
J&K, Jammu.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-2

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE CONSTITUTION OF JAMMU AND KASHMIR
(AMENDMENT) BILL, 2012.**

[L. A. Private Members' Bill No. 12 of 2012.]

A Bill further to amend the Constitution of Jammu and Kashmir.

Be it enacted by the State Legislature in the Sixty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Constitution of the Jammu and Kashmir (Amendment) Act, 2012.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of sub-section (6) of section 50 of the Constitution.*—(1) That the word “three” appearing between words “than” and “of” be substituted by the word “four”.

(2) That the word “classes” shall be followed by punctuation mark comma (,).

(3) That the words “scheduled castes, scheduled tribes and women” shall be inserted between the words “classes” and “in”.

(4) That the word “and” appearing between the words “movement” and “social” shall be substituted by the word “or”.

Council. In Legislative Assembly there exist an express provision for representation to women and SCs in the form of section 47 and section 49 of the Constitution of Jammu and Kashmir. But out of the 36 seats provided for Legislative Council none is earmarked expressly for the aforesaid categories. Thus it is left to the discretion and sweat will of the Government as to whether representation in Legislative Council is to be given to the said categories or not. The net result is that these categories are deprived at times and are not given due representation. It is therefore essential that an amendment is made in section 50 of the Constitution of J&K providing express reservation for the said categories including Scheduled Castes, Scheduled Tribes and Women in Upper House of State Legislature.

Hence the Bill.

HARASH DEV SINGH,
MLA.

STATEMENT OF OBJECTS AND REASONS

Section 50 of the Constitution of J&K lays down the mechanism for filling up the seats in the Upper House of the State Legislature. It provides that there shall be 36 seats in all, which shall be filled up in the manner indicated as under :-

1. 11 seats expressly reserved for "residents of province of Kashmir" of whom "atleast one shall be a resident of Tehsil Ladakh and atleast one shall be a resident of Tehsil Kargil".
2. 11 seats expressly reserved for "residents of province of Jammu" of whom "atleast one shall be a resident of Doda District and atleast one shall be a resident of Poonch District".
3. One member for the municipal bodies of Kashmir.
4. One member for the municipal bodies of Jammu.
5. Two members for the Panchayats and other local bodies of province of Kashmir.
6. Two members for the Panchayats and other local bodies of province of Jammu.
7. 8 members to be nominated by the Governor "not more than three of whom shall be persons belonging to any of the socially or economically backward classes in the State, and the others shall be persons having special knowledge or practical experience in respect of matters such as literature, science, art, co-operative movement and social service".

The provisions of section 50 amply demonstrate that there is no reservation or express provision for nominations of scheduled castes, scheduled tribes and women to the Upper House. The rights of all these classes including SCs, STs and Women for reservation and due representation in democratic institutions have been recognized and acknowledged all over the Nation. It is however intriguing that there is no provision for reservation for SCs, STs and Women in Legislative



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-3

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE JAMMU AND KASHMIR LAND REVENUE
(AMENDMENT) BILL, 2012.**

[L. A. Private Members' Bill No. 34 of 2012.]

A Bill to amend the Jammu and Kashmir Land Revenue Act, 1996 (1939 AD).

Be it enacted by the Jammu and Kashmir State Legislature in the 63rd Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Land Revenue (Amendment) Act, 2012.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 3.*—

(2) That in sub-section (2) of section 3 of the Bill, the words, "actually used for grazing" be inserted between the words, "Pasture" and "and".

STATEMENT OF OBJECTS AND REASONS

Since the social needs have increased and there is a distress on account of paucity of land, the public purposes suffer. Kahcharai land has also been changing complexion from settlement to settlement and portions of land actually turn either barren or loose the essence as grazing land. It is therefore imperative to change the law on use or conversion of grazing land. To bring out barren portions from preview of pasturing in section 3, this amendment is proposed so that such portions are used for larger public purposes without any obstruction.

Hence the Bill.

NIZZAM-UD-DIN BHAT,

MLA.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-4

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT)
BILL, 2013.**

[L. A. Private Members' Bill No. 7 of 2013.]

A Bill to amend the Code of Criminal Procedure, Svt. 1989 (1933 A. D.) (hereinafter referred as the principal Act).

Be it enacted by the State Legislature in the 64th Year of the Republic of India as follows :—

1. *Short title and commencement.*— (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2013.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 145.*— In proviso to sub-section (1) of section 145 of the principal Act, the words, “or an Executive Magistrate of the First Class” shall be deleted.

3. *Amendment of section 147.*— In proviso to sub-section (1) of section 147 of the principal Act, the words, “or an Executive Magistrate of the First Class” shall be deleted.

STATEMENT OF OBJECTS AND REASONS

It has been observed that provisions of 145 and 147 of Code of Criminal Procedure with regard to disputes as to immovable property have been misused by Executive Magistrates and at times innocent people are made to suffer. Also these provisions should be invoked at rarest of rare cases. Therefore by virtue of this amendment only District Magistrate can exercise such powers.

Hence the Bill.

ABDUL HAQ KHAN,
MLA.



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-6

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE CONSTITUTION OF JAMMU AND KASHMIR
(AMENDMENT) BILL, 2013.**

[L. A. Private Members' Bill No. 12 of 2013.]

A Bill further to amend the Constitution of Jammu and Kashmir.

Be it enacted by the State Legislature in the 64th Year of the Republic of India as follows :—

1 *Short title and commencement.*—(1) This Act may be called the Constitution of the Jammu and Kashmir (Amendment) Act, 2013.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 52.*—(1) In sub-section (1) of section 52 of the Constitution of Jammu and Kashmir, the words “six years” wherever occurring shall be substituted by the words “five years”.

STATEMENT OF OBJECTS AND REASONS

The duration of the Legislative Assembly was 5 years till same was amended by the Constitution of J&K (16th Amendment) Act, 1977 thereby increasing the duration to six years. The framers of the Constitution of the State after due deliberation in the Constituent Assembly had fixed the duration of 5 years which was also in consonance with the duration fixed under the Constitution of India. Pro-longing the duration of the Legislative Assembly from 5 years to 6 years deprives the electorate to elect Government of their choice at an earlier period of time keeping into consideration the democratic spirit of fixing the duration of Assembly initially for a period of 5 years. So it is necessary to amend the section 52 of the Bill.

Hence the Bill.

M. Y. TARIGAMI,

MLA.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-7

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE CONSTITUTION OF JAMMU AND KASHMIR
(AMENDMENT) BILL, 2013.**

[L. A. Private Members' Bill No. 13 of 2013.]

A Bill further to amend the Constitution of Jammu and Kashmir.

Be it enacted by the State Legislature in the 64th Year of the Republic of India as follows :—

1. *Short title and commencement.* (1) This Act may be called the Constitution of the Jammu and Kashmir (Amendment) Act, 2013.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Insertion of new section 24-A in the Constitution.* —After section 24 of the Constitution, the following new section 24-A be inserted :—

24-A. Duty of the State to ensure pollution free environment.— The State shall make every effort to protect and conserve the environment and ensure safeguard of charismatic beauty of Jammu and Kashmir by advancing environment friendly measures by the end of 2020. '

STATEMENT OF OBJECTS AND REASONS

Environment is a global concern and a significant area necessary for survival of mankind. Jammu and Kashmir State known as paradise on earth has this reputation because of its beauty and grandeur of the physical personality. The State has been, despite focus on the area, apparently apathetic towards environmental concerns. Despite laws, resources and awareness drives, we have not been able to restrict the trend of damages to environment. Keeping in view the importance of this subject, it would be in the fitness of thing that separate provision is included in the directive principles of State policy by amending the Constitution. The deadline of 2020 in the Constitution itself shall always keep the authorities at the helm of the affairs and the people at large constantly cautious of the importance of pollution free environment in the State of Jammu and Kashmir.

Hence the Bill.

NIZAM-UD-DIN BHAT,

MLA.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-8

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

THE JAMMU AND KASHMIR PROHIBITION OF ALCOHOL BILL, 2013.

[L. A. Private Members' Bill No. 15 of 2013.]

A Bill to prohibit the manufacture, advertisement, sale, purchase, consumption, import and export of alcohol in the State of Jammu and Kashmir.

Be it enacted by the Jammu and Kashmir State Legislature in the 64th Year of Republic of India as follows :-

1. *Short title, extent and commencement.* (1) This Act may be called as the Jammu and Kashmir Prohibition of Alcohol Act, 2013.

(2) It extends to the whole of the Jammu and Kashmir State.

(3) It shall come into force from the date of its publication in the Government Gazette.

2. *Definitions.* In this Act, unless the context otherwise requires,—

(1) “**Act**” means the Jammu and Kashmir Prohibition of Alcohol Act, 2013 ;

(2) “**Alcohol**” means any intoxicating drink including all types of wine as well as beer ;

(3) “**Advertisement**” means and includes a notice, circular, pamphlet or display in public places by visible representation by any means which directly or indirectly promotes alcoholic drinks ;

(4) “**Authorized Officer**” means an officer authorized, by the Government under section 3 ;

(5) “**Government**” means the Government of Jammu and Kashmir ;

(6) **“Manufacture”** means and includes any process whether natural or artificial by which any alcohol is produced or prepared, also re-distillation and every process for the flavoring blending, or coloring of alcohol ;

(7) **“Registered Medical Practitioner”** means any person registered under the Indian Medical Council Act, 1956.

3. *Power of the Government to authorize officers to act as authorized officers under this Act.*—(1) The Government may, by notification in the Government Gazette authorize one or more officers as authorized officers who shall be competent to act under this Act.

(2) Every officer authorized under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the State Ranbir Penal Code, Samvat 1989.

4. *Prohibition of manufacturing, purchasing, importing, exporting and transporting alcohol.*—Notwithstanding anything contained in any law for the time being in force, no person shall manufacture, sale, purchase, use or consume, import, export or transport alcohol in the State :

Provided that a Registered Medical Practitioner may after due medical examination, prescribe Alcohol to any person only for the purpose of improvement of his health.

5. *Prohibition of advertisement of alcohol.*—Notwithstanding anything contained in any law for the time being in force, no person shall advertise such drinking which promote directly or indirectly use of alcohol or its sale.

6. *Penalties.*—(1) Any person, who contravenes the provisions of section 4 shall be punished with the imprisonment for a term which may extend up to three years and also with fine up to fifty thousand rupees or both.

(2) Any person, who contravenes the provisions of section 5, shall be punished with the imprisonment for a term which may extend up to

two years and also with fine up to twenty five thousand rupees or both :

Provided that if offences mentioned in sections 4 & 5 are committed by a person under 18 years of age, the Court may for adequate and special reasons to be recorded in the judgment, impose a lesser sentence of imprisonment or fine, as it may deem fit and proper.

7. *Punishment for issuing false prescription.* If it is found that any Registered Medical Practitioner has issued false prescription, he shall be punished with the imprisonment for a term which may extend up to six months and also with fine up to fifty thousand rupees or both.

8. *Court competent to try offence under this Act and take cognizance of offences.* (1) No court other than the Court of Judicial Magistrate, 1st Class shall take cognizance of, any try any offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a report in writing of a police officer not below the rank of Sub-Inspector with respect to the offence under section 4 and on a complaint in writing of an authorized officer with respect to offence under sections 5 and 7.

9. *Power to make rules.* -The Government may by notification in the Government Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

Alcoholism is a progressive disease that impairs the psychological, emotional and physical health of both the alcoholic and his family. It is labeled as family disease because its effects leads to dysfunctional roles besides shattering the economy of the family. The rise in using alcoholic drinks is an ascending curve and this is largely due to insensitivity to deal with the issues in a holistic manner. People in general and the women folk in particular feel insecure to venture out their homes for their day to day work at night hours. If this trend of using alcohol is not checked at this point of time, it will prove disastrous for the society as such strict law on the subject is inevitable.

Hence the Bill.

ABDUL HAQ KHAN,
MLA.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-10

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE CONSTITUTION OF JAMMU AND KASHMIR
(AMENDMENT) BILL, 2014.**

[L. A. Private Members' Bill No. 3 of 2014.]

A Bill further to amend the Constitution of Jammu and Kashmir.

Be it enacted by the Jammu and Kashmir State Legislature in the 65th Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Constitution of Jammu and Kashmir (Amendment) Act, 2014.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of section 13.*—In section 13, the words “New Kashmir” existing between the words “envisaged in” and “shall” be substituted by the words “Naya Kashmir”.

STATEMENT OF OBJECTS AND REASONS

Naya Kashmir was the outline of a plan to convert the Jammu and Kashmir State from an absolute monarchy to a constitutional democracy. A detailed economic plan for the development of Jammu and Kashmir was part of the Naya Kashmir memorandum. The Naya Kashmir plan proved to be immensely popular in Kashmir as it was the blue print for the welfare of the State far in advance of its times. Changing the terminology in the Constitution diminishes the very spirit of Naya Kashmir.

Hence the Bill.

A. R. VEERI,
MLA.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Tue., the 17th June, 2014/27th Jyai., 1936. [No. 11-11

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, SRINAGAR**

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) M. RAMZAN,

Secretary.

**THE JAMMU AND KASHMIR STATE LEGISLATURE
MEMBERS PENSION (AMENDMENT) BILL, 2014**

[L. A. Private Members' Bill No. 16 of 2014.]

A Bill to amend the Jammu and Kashmir State Legislature Members Pension Act, 1984.

Be it enacted by the Jammu and Kashmir State Legislature in the 65th Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir State Legislature Members Pension (Amendment) Act, 2014.

(2) It shall come into force from the date of publication in the Government Gazette.

2. *Amendment of section 3, Act II of 1984.* In sub-section (1) of section 3 of the Jammu and Kashmir State Legislature Members Pension Act, 1984 (hereinafter referred to as the 'principal Act'), the words "twenty three thousand" shall be substituted by the words "twenty eight thousand".

3. *Amendment of section 3-B, Act II of 1984.*—In section 3-B of the principal Act, for the words "one thousand rupees" the words "five thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Ex. Members of the State Legislature had been, *inter alia* raising demand for enhancement of their pension and medical allowances in view of the steep rise of prices in every sphere of life. Since the Act was lastly amended in 2009, as such the need has arisen to amend the existing Act so that they can sustain their livelihood in these hard times. Moreover, the Ex-Legislators are also part of our society and it is imperative on our part to take proper care of the problems they are confronted within their old-age.

Hence the Bill.

NASIR ASLAM WANI,

MLA.

A. R. VEERI,

MLA.

FINANCIAL MEMORANDUM

The Bill seeks to enhance the pension of the Ex. Legislators from Rs. 23000 to Rs. 28000, and Medical Allowance from Rs. 1000 to Rs. 5000.

The Bill, if enacted would involve an expenditure to the tune of Rs. 30 lacs per month approximately, however, it may not be possible at this juncture to calculate the exact amount.

NASIR ASLAM WANI,

MLA.

A. R. VEERI,

MLA.

RECOMMENDATION OF THE GOVERNOR

The Governor has in pursuance of sub-sections (1) and (3) of section 84 of the Constitution of Jammu and Kashmir recommended to the Jammu and Kashmir Legislative Assembly the introduction and consideration of the Bill.

(Sd.) **M. RAMZAN,**

Secretary.



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Srinagar, Thu., the 26th June, 2014/5th Asad., 1936. [No. 13

CONTENTS	English Pages	Vernacular pages
PART I-A- Appointments, promotions, transfers and leave of absence sanctioned by the Governor, Government and the Ministers	92-98	
PART I-B- Notifications, Communiqués and General Orders by the Government and the Ministers	123-124	
PART II-A- Appointments, promotions, transfers and leave of absence sanctioned by Heads of Departments	25-26	
PART II-B- Notifications, Notices and Orders by Heads of Departments, Provincial Heads, Magistrates and other officers competent to issue public notices under any law or rule.....	269-290	
PART II-C- Notifications, Notices and Orders by Election Commission of India, Chief Electoral Officer, Jammu and Kashmir and other Officers of the Department. Election Petitions and Judgements of Election Tribunal		
PART III- Laws, Regulations and Rules passed thereunder ...		
PART IV- Reprints from the Government of India Gazette or Gazettes of others Governments		
PART V- Information and Statistics		
(a) Rates and prices in the State		
(b) Rates and wages		
(c) Crop Report and Forecasts		
(d) Weather Observations		
(e) Vital Statistics		
SUPPLEMENT-A—Trade Monthly Imports and Exports from the State		
SUPPLEMENT-B—Police		
SUPPLEMENT-C—Advertisements	39-44	97-104

Printed at the Government Press, Srinagar.

PART I-A

Jammu & Kashmir Government—Orders.

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU/
SRINAGAR.

Notification

No. 321 Dated 07-06-2014.

It is notified for the information of all concerned that the Subordinate Courts of Jammu Province, excluding Bhaderwah, Kishtwar, Doda, Batote, Gool, Bani and Banihal Headquarters shall observe fifteen days Summer Vacation with effect from 16-06-2014 to 30-06-2014 (both days inclusive). The Principal District and Sessions Judges and Chief Judicial Magistrates of all the districts shall make suitable arrangement for the disposal of urgent criminal business arising during the period of such vacation in the areas within their respective jurisdiction.

By Order.

(Sd.) SURESH KUMAR SHARMA,

Registrar General.

Notification

No. 1045 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Ms. Shupinder Kour D/o S. Joginder Pal Singh R/o Chatha Farm, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-82/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1146 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Pankaj Raina S/o Prem Sagar Raina R/o H. No. 280, Residency Road, Jogi Gate, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-79/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1147 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Sumit Gupta S/o Kuldeep Raj Gupta R/o J. M. C. 1510, Vaid Bhawan, Durga Lane, Talab Tillo, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-81/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1149 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2013 Ms. Rimpi Rani D/o Mohan Lal Bhagat, R/o H. No. 192-F, Lane No. 2, Rajpora (Shakti Nagar), Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally

for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-48/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1150 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Naveed S/o Javed Choudhary R/o Opp. C. M. House, Wazarat Road, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-50/2014 in the Roll of Advocates maintained by this Registry.

• The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1151 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Rakesh Bharat S/o Ram Pal Bhushan R/o VPO Rajpura, Samba, A/P H. No. 79, Lakarmandi, Janipur Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-39/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1152 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Ms. Arshi Jan D/o Mushtaq Ahmad Dar R/o Payeen Rambagh Bund, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-45/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1158 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Ms. Sumanjeet Kour D/o Rajinder Singh R/o Link Road, Simbal Morh, Miran Sahib, R. S. Pura, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-140/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1159 Dated 20-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Muiz Mohammed Butt S/o Showkat Ahmed Butt R/o 12th, Zabarvan Colony, Brein, Nishat, Srinagar has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally

for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-104/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1056 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Ms. Nidha Slathia D/o Shivdan Singh R/o H. No. 18, Ward No. 5, Power House Colony, Vijaypur, Samba has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-90/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1058 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Sandeep Bharti S/o Rounak Ram R/o Ward No. 9, Vijaypur, Samba has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-92/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1059 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Manzoor Ahmad Kakroo S/o Rashid Ahmad Kakroo R/o Sangri Colony, Baramulla has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-123/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1060 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Pranav Choudhary S/o Avtar Singh R/o H. No. 5-D, Shastri Nagar, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. His name has been entered under Serial No. JK-126/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

No. 1061 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Mr. Nachiketa Vijay Suri S/o Vijay Suri R/o 6, Roulki, Bakshi Nagar, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year

from the date of issuance of this notification. Her name has been entered under Serial No. JK-124/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Notification

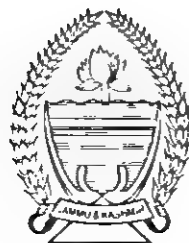
No. 1062 Dated 19-03-2014.

It is hereby notified that vide High Court Order dated 13-03-2014 Ms. Kusam Karloopia D/o Ram Lal R/o Ward No. 11, Kothi Morh, P/O Bari-Brahmana, Bishnah, Jammu has been admitted and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification. Her name has been entered under Serial No. JK-127/2014 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional licence/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

Sd.).....

Deputy Registrar (L. P.).



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Thu., the 26th June, 2014/5th Asad., 1936. [No. 13

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government —Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECTT. GENERAL ADMINISTRATION DEPARTMENT
(Administration Section).

Subject :—Regularization of Migrant Substitutes.

Reference :—OM No. FD/Coord/49/2014 dated 20-05-2014 from Finance Department.

Government Order No. 533-GAD of 2014

Dated 23-05-2014.

In partial modification of Government Order No. 610-GAD of 2006 dated 16-05-2006, it is hereby ordered that the Additional Secretary to the Government, Finance Department or above, shall be the Member-Secretary

to the Committee constituted to consider the proposals regarding regularization of migrant substitutes, instead of Additional Secretary to the Government, Finance Department.

By order of the Government of Jammu and Kashmir.

(Sd.) M. A. BUKHARI, IAS,

Secretary to the Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATI RAJ.

Subject : — Inclusion of name of Sh. Ghulam Mohi-ud-Din Rather, BDO
(Retd.) in the initial constitution.

Addendum to Government Order No. 268-RD&PR of 2013
dated 10-10-2013.

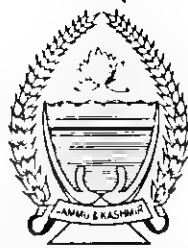
The following shall and shall always be deemed to have been added in the last para of Government Order No. 268-RD&PR of 2013 dated 10-10-2013, in third line between the words “Shri Mohammad Abbas, BDO” “in the initial constitution”:

“and the date of placement of Shri Ghulam Mohi-ud-Din Rather as BDO i. e. 21-04-1993”.

By order of the Government of Jammu and Kashmir.

(Sd.).....

Secretary to Government,
Department of Rural Development and PR.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Thu., the 26th June, 2014/5th Asad., 1936. [No. 13

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

Subject :—Assumption of charge of the Post of Director, Horticulture, Kashmir.

Reference :—Government Order No. 21, Horti. of 2014 dated 02-06-2014 issued vide endorsement No. Agri/Horti/Legal/79/2012 dated 02-06-2014.

Pursuant to Government Order referred to above, I, Pawan Kumar Sharma hereby assume the charge of the Post of Director, Horticulture, Kashmir today the 2nd June, 2014 (F. N.)

(Sd.) P. K. SHARMA,

Director, Horticulture,
Kashmir.

Certified that we have in the forenoon/afternoon of this day respectively made over and received charge of the Office of Principal District and Sessions Judge, Srinagar.

Memo of the balance for which responsibility is accepted by the Officer receiving charge.

Cash : 23.50 (P. A.)

Station : Srinagar.

Dated : 18-04-2014.

(Sd.).....

1st Addl. District Judge,
Srinagar, Kashmir.

Relieved Officer.

(Sd.).....

Principal District and Sessions Judge,
Srinagar.

Relieving Officer.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Thu., the 26th June, 2014/5th Asad., 1936. [No. 13

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—B

Notifications, Notices and Orders by the Heads of the Departments.

**GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
POONCH.**

Notification No. 206-LA/P of 2014.

Whereas, the land whose specification is given below is required for
construction of Irrigation Khul of Village Madan, Tehsil Mendhar,
District Poonch ;

Specification of land

District	Tehsil	Village	Kh. No.	Area
				K. M. S.
Poonch	Mendhar	Madan	176/1	00-15-00
			Total	00-15-00

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch vide his No. DCP/LA/1800-08 dated 26-12-2013 ;

Whereas, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch has recommended the case for issuance of notification under section 6 and directives under section 7 of the Land Acquisition Act, Svt. 1990 vide his letter No. DCP/LA/1959 dated 22-01-2014 ;

Whereas, the case comes under the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch that the land is required for public purpose viz. for construction of Irrigation Khul at Village Madan, Tehsil Mendhar, District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch is directed under section 7 of the said Act, to take order for acquisition of the land which specifications are given above.

(Sd.).....

District Collector,
Deputy Commissioner,
Poonch.

**GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
POONCH.**

Notification No. 210-LA/P of 2014.

Whereas, the land whose specification is given below is required for construction of Residential Quarter of Tehsildar, Mendhar at Village Gohlad under Revenue Department, Tehsil Mendhar, District Poonch ;

Specification of land

District	Tehsil	Village	Kh. No. .	Area
				K. M. S.
Poonch	Mendhar	Gohlad	70 min	00-10-00
			Total	00-10-00

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch vide his No. DCP/LA/1880-88 dated 10-01-2014 ;

Whereas, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch has recommended the case for issuance of notification under section 6 and directives under section 7 of the Land Acquisition Act, Svt. 1990 vide his letter No. DCP/LA/2019 dated 31-01-2014 ;

Whereas, the case comes under the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.),

Poonch that the land is required for public purpose viz. for construction of Residential Quarter of Tehsildar, Mendhar at Village Gohlad, Tehsil Mendhar, District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch is directed under section 7 of the said Act, to take order for acquisition of the land which specifications are given above.

(Sd.).....

District Collector,
Deputy Commissioner,
Poonch.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
POONCH.

Notification No. 212-LA/P of 2014.

Whereas, the land whose specification is given below is required for construction of approach road from Village Banwat to Government Polytechnic College at Village Banwat, Tehsil Haveli, District Poonch :

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
				K. M. S.
Poonch	Haveli	Banwat	632	00-14-05
			654	03-05-01
			Total	03-19-06

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch vide his No. DCP/LA/2483-91 dated 13-02-2013 ;

Whereas, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch has recommended the case for issuance of notification under section 6 and directives under section 7 of the Land Acquisition Act, Svt. 1990 vide his latter No. DCP/LA/- dated - ;

Whereas, the case comes under the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch that the land is required for public purpose viz. for construction of approach road from Village Banwat to Government Polytechnic College at Village Banwat, Tehsil Haveli, District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch is directed under section 7 of the said Act, to take order for acquisition of the land which specifications are given above.

(Sd.).....

District Collector,
Deputy Commissioner,
Poonch.

**GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
POONCH.**

Notification No. 211-LA/P of 2014.

Whereas, the land whose specification is given below is required for constuction of Mandi Phagla road at Village Neerian Part I under CRF, Tehsil Haveli, District Poonch ;

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
				K. M. S.
Poonch	Haveli	Neerian	204 min	00-10-00
			208	02-03-00
			208 min	00-12-00
			207	00-15-00
			206	00-08-00
			227	01-03-00
			228	01-19-00
			231/1	01-01-00
			232	01-10-00
			235	00-13-00
			235 min	02-16-00
			234	01-02-00
			235 min	02-16-00
			241	01-02-00
			243	00-13-00
			Total	20-03-00

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch vide his No. DCP/LA/1907-15 dated 10-01-2014 ;

Whereas, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch has recommended the case for issuance of notification under section 6 and directives under section 7 of the Land Acquisition Act, Svt. 1990 vide his latter No. DCP/LA/2046 dated 31-01-2014 ;

Whereas, the case comes under the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch that the land is required for public purpose viz. for construction of Mandi Phagla road at Village Neerian Part I under CRF, Tehsil Haveli. District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch is directed under section 7 of the said Act, to take order for acquisition of the land which specifications are given above.

(Sd.).....

District Collector,
Deputy Commissioner,
Poonch.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
POONCH.

Notification No. 208-LA/P of 2014.

Whereas, the land whose specification is given below is required for construction of Mandi Phagla road at Village Seri Khawaja under CRF, Tehsil Haveli, District Poonch ;

Specification of land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M. S.
Poonch	Haveli	Seri Khawaja	65/1	01-07-00
			65/1	03-12-00
			65/1	01-02-00
			65/1	01-01-00
			64	01-02-00
			62	00-12-00
			61	01-00-00
			60	01-03-00
			57	00-10-00
			58	00-02-00
			59	01-01-00

1	2	3	4	5
				K. M. S.
			56	01-03-00
			54	01-02-00
			53	00-12-00
			53 min	00-07-00
			52	02-16-00
			134	00-03-00
			166	00-12-00
			166 min	01-01-00
			165	00-16-00
			165 min	00-16-00
			164	00-05-00
			164 min	01-01-00
			164 min	00-17-00
			159	00-19-00
			159 min	03-09-00
			159 min	00-13-00
			154	00-09-00
			258	00-18-00
			258 min	03-10-00

i	2	3	4	5
				K. M. S.
			258 min	02-02-00
			258 min	01-08-00
			258 min	00-13-00
			258 min	00-03-00
			258 min	05-00-00
			258/2	00-14-00
			258/1	00-08-00
			259	01-00-00
			258/1 min	01-18-00
			258/1 min	01-13-00
			256	01-13-00
			254/2	01-17-00
			258 min	03-09-00
			254	02-04-00
			254 min	01-08-00
			237	01-16-00
			235	02-03-00
			235 min	02-03-00
			235 min	00-16-00

1	2	3	4	5
				K. M. S.
			235 min	01-08-00
			411	00-03-00
			412	00-10-00
			410	00-05-00
			444	01-14-00
			445	01-02-00
			446	00-10-00
			470	02-13-00
			470 min	00-09-00
			470 min	02-13-00
			470 min	02-04-00
			474	00-15-00
			470 min	00-11-00
			475	00-08-00
			475 min	00-13-00
			475 min	00-13-00
			475 min	00-03-00
			491	01-08-00
			491 min	01-13-00
			491 min	02-02-00
			491 min	00-05-00

1	2	3	4	5
				K. M. S.
			491 min	00-05-00
			491 min	01-09-00
			491 min	01-08-00
			491/1	02-06-00
			527	03-04-00
			527 min	01-16-00 .
			527 min	02-12-00
			527 min	00-10-00
			527 min	02-04-00
			527 min	05-16-00
			527 min	03-01-00
			527 min	03-06-00
			527/1	00-05-00
			Total	117-10-00

Whereas, notification as required under sub-section (1) of section 4 of Land Acquisition Act, Svt. 1990 was issued by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch vide his No. DCP/LA/1889-97 dated 10-01-2014;

Whereas, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch has recommended the case for issuance of notification

under section 6 and directives under section 7 of the Land Acquisition Act, Svt. 1990 vide his letter No. DCP/LA/2020 dated 31-01-2014 ;

Whereas, the case comes under the pecuniary jurisdiction of the undersigned in terms of SRO-236 of 2009 dated 11-08-2009 ;

Whereas, undersigned is satisfied after considering the report furnished by the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch that the land is required for public purpose viz. for construction of Mandi Phagla road at Village Seri Khawaja under CRF, Tehsil Haveli, District Poonch.

Now, therefore, in exercise of the powers conferred upon the undersigned in terms of SRO-236 of 2009 dated 11-08-2009, it is declared under section 6 of the Land Acquisition Act, Svt. 1990 that the Land aforementioned is needed for public purpose. Further, the Collector, Land Acquisition, Assistant Commissioner (Rev.), Poonch is directed under section 7 of the said Act, to take order for acquisition of the land which specifications are given above.

(Sd.).....

• District Collector,
Deputy Commissioner,
Poonch.

IN THE COURT OF SUB-JUDGE, JUDICIAL MAGISTRATE,
1ST CLASS, KATRA.

Present :—Manoj Parihar.

State through Police Station, Katra Vs. Nemo.

Proclamation under section 523 Cr. P. C.

Whereas, the Police Station, Katra has seized an unclaimed Motor Cycle Passion Plus without registration number and bearing Chasis No. MBLHA10ELBGK40866 and Engine No. HA10EB8GK40472 found in suspicious circumstances vide report No. 32 dated 06-02-2009 ;

Whereas, the said seizure by Police Station, Katra has been reported to this Court under section 523 Cr. P. C.

Therefore, through this proclamation, the public in general is informed that, if any, person has any right or claim over the above said vehicle, he/she/they may appear in person or through his/her/their representative in this Court on or before 26-03-2014 and establish his/her/their claim regarding the said vehicle within a period of six months from the date of publication of this notice/proclamation, failing which the same shall be disposed of under law.

Given under the hand and seal of this court today on 13th day of February, 2014.

(Sd.).....

Sub-Judge,
Judicial Magistrate, First Class,
Katra.

IN THE COURT OF SUB-JUDGE, JUDICIAL MAGISTRATE,
1ST CLASS, KATRA.

Present :—Manoj Parihar.

State through Police Station, Katra Vs. Nemo.

Proclamation under section 523 Cr. P. C.

Whereas, the Police Station, Katra has seized unclaimed items white pant, white shirt, Camera (PC500), Camera (Prima), Camera (Kodak), Camera (Cannon), one wrist watch (HMT Sona), Mobile (Samsung) and another mobile (Indicom) found in suspicious circumstances vide report No. 22 dated 10-09-2009 ;

Whereas, the said seizure by Police Station, Katra has been reported to this Court under section 523 Cr. P. C.

Therefore, through this proclamation, the public in general is informed that, if any, person has any right or claim over the above said items, he/she/they may appear in person or through his/her/their representative in this Court on or before 26-03-2014 and establish his/her/their claim regarding the said items within a period of six months from the date of publication of this notice/proclamation, failing which the same shall be disposed of under law.

Given under the hand and seal of this court today on 13th day of February, 2014.

(Sd.).....

Sub-Judge,
Judicial Magistrate, First Class,
Katra.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DISTRICT COLLECTOR
(DEPUTY COMMISSIONER),
DODA.

Notification No. 52/DCS of 2014.

Whereas, the land particulars of which are given below is required for construction of Bhatyas Manoo Motor road in Village Muksyas, Tehsil Bhalessa (Gandoh, District Doda ;

Particulars of land

District	Tehsil	Village	Kh. Nos.		Area
1	2	3	4		5
					K. M.
Doda	Bhalessa (Gandoh)	Muksyas	170	min	01-07
			170	min	00-02
			188	min	00-11
			188	min	00-02
			188	min	00-01
			185	min	03-09
			178	min	01-09
			178	min	00-14
			178	min	00-10
			178	min	01-08
			170	min	07-07
			170	min	00-05
			188	min	06-10

1	2	3	4	5
				K. M.
			188 min	00-01
			188 min	00-06
			196 min	00-11
			178 min	01-04
			178 min	00-11
			178 min	02-17
			178 min	01-19
			Total	31-04

Whereas, the notification under sub-section (1) of section 4 of the Land Acquisition Act, 1990 BK, has been issued by the Collector, Land Acquisition, Sub-Divisional Magistrate, Gandoh under his No. 182-87/LAC dated 13-06-2013 for the land measuring 31 Kanals 04 Marlas of Village Muksyas, Tehsil Bhalessa (Gandoh), District Doda particulars of which are given above for the aforesaid purpose ;

Whereas, after considering the report received from the Collector, Land Acquisition, Sub-Divisional Magistrate, Gandoh bearing No. 249-52/LAC dated 09-07-2013, the above said land is required for the public purpose namely for construction of Bhatyas Manoo Motor road in Village Muksyas, Tehsil Bhalessa (Gandoh), District Doda, and as per the said report of Collector the grant of declaration under sections 6&7 of the Land Acquisition Act, is within the pecuniary competence of District Collector, Land Acquisition (Deputy Commissioner) in pursuance of SRO-235 and SRO-236 both dated 11-08-2009 issued by the Revenue Department, J&K.

Now, therefore, it is declared under section 6 of the Land Acquisition Act, the aforementioned land is needed for public purposes, namely for construction of Bhatyas Manoo Motor road in Village Muksyas, Tehsil Bhalessa (Gandoh), District Doda. Further, the Collector, Land Acquisition

Sub-Divisional Magistrate, Gandoh is directed under section 7 of the said Act to take order for acquisition of land, the specifications of which are given hereinabove.

(Sd) MUBARAK SINGH, KAS,

District Collector, Land Acquisition,
Deputy Commissioner,
Doda.

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF TOURISM,
KASHMIR.

Subject :— Cancellation of Registration of Restaurant under the name and style “Billion Hut” situated at Harwan, Srinagar and removal of its name from the register of records.

Order No. Reg/OL/ADT (R) of 2014

Dated 08-05-2014.

Whereas, an application was received from one Shri Fida Hussain Rather S/o Late Mohammad Bakir Rather R/o Harwan, Srinagar stating therein that the Registration Certificate for restaurant under name and style “Billion Hut” situated at Harwan, Srinagar be cancelled as the same has been transferred by this department from Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba) to Mumtaz Mehraj fraudulently;

Whereas, the restaurant has been registered by the Department of Tourism in the year 2007 under Reg. No. Reg/2013/DT dated 26-02-2007 in the name of Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba);

Whereas, one Mrs. Mumtaza Mehraj W/o Kh. Mehraj-ud-Din R/o Harwan, Srinagar had approached this department for transfer of the registration certificate to her name and the same was transferred to her name after fulfillment of the requisite formalities including inspection conducted on-spot, wherein the unit was found to be in possession of the said person and accordingly the registration certificate was renewed up to 31-03-2014;

Whereas, Shri Fida Hussain had through an RTI application sought details of regarding transfer of the registration certificate from Mrs. Sakina (Mother and Guardian of Mr. Aleena and Ms. Adeeba) to Mumtaz Mehraj ;

Whereas, said Fida Hussain was apprised about the procedure adopted by this office in connection with the transfer of the registration certificate from Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba) to Mumtaz Mehraj ;

Whereas, Shri Fida Hussain was not satisfied with the procedure followed by the department in transfer of the registration certificate and had approached appellate authority (Director, Tourism, Kashmir) pleading revocation of the registration certificate to Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba) ;

Whereas, the Director, Tourism, Kashmir vide order issued under No. PS/9/2014-15/JDT (K) dated 16-11-2013, issued orders for revocation of the registration transferred from Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba) to Mumtaz Mehraj. However, the matter regarding actual possession of the land on which the restaurant building is constructed, was got verified from Revenue Authorities ;

Whereas, the matter regarding the title of land appurtenant and underneath to the restaurant structure was got verified and found to be State land and not the property of either of the parties viz. Mrs. Sakina (Mother and Guardian of Ms. Aleena and Ms. Adeeba) to Mumtaz Mehraj ;

Whereas, in light of the fact that the land appurtenant and underneath to the restaurant is not proprietary land, the Director, Tourism, Kashmir approved cancellation of the registration certificate for the restaurant under name and style "Billion Hut".

Now, therefore, in exercise of powers conferred on undersigned under section 12 of the J&K Registration of Tourist Trade Act, 1978/2011, the registration of the restaurant "Billion Hut" situated at Harwan, Srinagar, registered under No. Reg/2013/DT dated 26-02-2007 in the name of Mrs. Mumtaza Mehraj W/o Kh. Mehraj-ud-Din R/o Harwan, Srinagar is hereby cancelled with immediate effect and also order removal of its name from the register of records.

(Sd.) TARIQ HUSSAIN NAIK,

Prescribed Authority,
Assistant Director, Tourism.

Correction of Name

I, Shiv Ditta S/o Sh. Chaman Lal R/o Sarore, Tehsil Bishnah, District Jammu submit that parentage name has been wrongly shown as Chaman Kumar instread of Chaman Lal in the school records. I wants the correction of my parentage name, if any, person/persons having any objection may please be conveyed to the Principal, Vivekananda Public High School, Sarore (Bishnah), Jammu within 7 days from the publication of this notice in the Govt. Gazette.

Correction of Name

I, Parvinder Kumar S/o Sh. Jagdish Raj R/o Village Logate, Tehsil and District Kathua (J&K), submit that my name has been wrongly written as Pawinder Kumar in the school records of my son namely Manoj Kumar who studying in 10+2 in 04414, KV, Lakhanpur, Kathua and my correct name is Parvinder Kumar instead of Pawinder Kumar. If any person having any objection may be conveyed to the concerned School within 7 days from the date of publication of this notice in the Govt. Gazette.

OFFICE OF THE COLLECTOR, LAND ACQUISITION (DEPUTY COMMISSIONER), RAMBAN.

Notification under section 4 (1) of J&K Land Acquisition Act, 1990.

No. 22/ADC/Rbn.

Dated 12-02-2014.

In exercise of the powers vested in me under section 4, sub-section (1) of the J&K Land Acquisition Act, 1990 Svt. I, Nawab Din (KAS), Collector, Land Acquisition (ADC), Ramban, do hereby notify the following land is likely to be needed for public purpose namely for Muck Dumping Yard No. 06 at Village Shagan, Tehsil Banihal, District Ramban.

Schedule of land

Muck Dumping Yard No. 06 at Village Shagan

District	Tehsil	Village	Kh. Nos.	Area
				K. M.
Ramban	Banihal	Shagan	1133	10-08
			1567	12-05
			Total	22-13

Objection, if any, to the proposed acquisition shall be received by the undersigned within 15 days from the date of publication of this notification in Official Gazette.

Sd.).....

Collector, Land Acquisition
(Additional Deputy Commissioner),
Ramban.

GOVERNMENT OF JAMMU AND KASHMIR,
REGISTRAR OF FIRMS,
KASHMIR.

This is for information of the general public that M/s Dynamic Constructions, Khawjabagh, Baramulla has applied for recording change in the constitution of their firm under section 63 of the J&K State Partnership Act, 1996. (1) Parvaiz Ahmad Lone S/o Mohd Ramzan R/o Rohama, Rafiabab. (2) Sajid Saleem Khan S/o Mohd Saleem R/o Kursoo, Rajbagh, Srinagar have joined the firm w. e. f. 19-6-2013 and (1) Nazir Ahmad S/o Gh. Mohidin R/o Khanpora, Baramulla, (2) Fayaz Ahmad S/o Ab. Khaliq R/o Khawjabagh, Baramulla have ceased to be the partners of the firm w. e. f. 19-6-2013. Before, the proposed change in the constitution of the firm is recorded in the posting register of Registrar of Firms, it is hereby notified that any person/persons having any objection with regard to the proposed change of constitution of the firm shall file the same within ten days from the date of publication of the notice in the Office of Registrar of Firms (Director of Industries and Commerce, Kashmir).

(Sd.).....

Registrar of Firms,
Kashmir.
Director,
Industries and Commerce,
Kashmir.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 127] Srinagar, Thu., the 26th June, 2014/5th Asad., 1936. [No. 13

Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENTS—C

**JAMMU AND KASHMIR PUBLIC SERVICE COMMISSION,
POLO GROUND, SRINAGAR.**

Notification No. PSC/EXAM/2014/54

Dated 05-06-2014.

Applications are invited from the eligible candidates desirous of taking the Departmental Examination the details of which are given hereunder :—

Item No. Name of Departmental Examination

1. SAC Part-II Departmental Examination in accordance with the provisions laid down in Government Order No. 249 of 1960 dated 24-10-1960 as amended from time to time and J&K Public Service Commission (Conduct of Examinations) Rules, 2005.

1. **How to obtain the Application Form :—** The Scanable Application Form along with a “**Dummy Application Form**” and a list indicating the Code Numbers of various examinations can be obtained from —

- (a) The Office of J&K Public Service Commission at Jammu/Srinagar against a cash payment of Rs. 100/- as the cost of Scanable Application Form and processing charges of Rs. 10/- to be paid at J&K Bank Counters set up in the Commission Office at Jammu/Srinagar.

The Application Forms will be available for sale w. e. f. 11-06-2014.

Last date for receipt of Application Forms is 01-07-2014.

The tentative date of examination is 11-08-2014.

2. **How to fill up the Scanable Application Form :—** Before filling up of the **(OMR) Scanable Application Form**, the candidate should carefully go through the “Instructions” and the Code List of various Departmental Examinations enclosed with the “Dummy Application Form”. The Application Form should be filled up very neatly, correctly and carefully after selecting the appropriate codes from the Code List against each item, wherever applicable.
3. **Submission of Scanable Application Forms :—** The Application Forms complete in all respects have to be submitted in the Commission Office at Srinagar/Jammu in the “Special Envelope” supplied by the Commission for the purpose or mailed by registered post to the Controller of Examinations, J&K Public Service Commission, Reshamghar Colony, Bakshi Nagar, Jammu/Polo Ground, Srinagar before the last date notified for the purpose.
4. **Examination Fee :—** The Scanable Application Form should be accompanied by a fee of Rs. 400/- per paper (excluding the processing charges) to be paid in cash through the counters of J&K Bank opened in PSC Offices at Jammu/Srinagar.

Note :— Candidates should submit their application forms along with “Eligibility Certificate” recorded therein, in by the Director General, Accounts and Treasuries.

5. **Last date for receipt of Applications Forms :—**The Scanable Application Forms shall be received at the counters set up for the purpose in Commission Offices located at Reshamghar Colony, Bakshi Nagar, Jammu/Polo Ground, Srinagar on all working days (Monday to Friday) from 10 A. M. to 3 P. M. up to 01-07-2014 which shall be the last date.

Applications received through Speed Post/Courier services of any type shall be treated as having been received "By Hand" at the Commission's counter. Incomplete/deficient Application Forms shall not be entertained and, if received, through any means, shall be deemed to have been rejected ab initio.

Note :—The candidates should, therefore, ensure that the Application Forms reach the Commission Office on or before the prescribed last date. In case the last date is declared a public holiday then the last date for receipt of Application Forms shall be the next working day.

6. **Action Against Candidates Found Guilty of Misconduct :—**Candidates are warned that they should not furnish any particulars that are false or suppress any material information in filling up the Application Forms. Candidates are also warned that they should, in no case, correct or alter or otherwise tamper with any entry in a document or its attested/certified copy submitted by them, nor should they submit a tampered/fabricated document. If there is any inaccuracy or any discrepancy between two or more such documents or their attested/certified copies, an explanation regarding discrepancy should be furnished.

A candidate who is or has been declared by the Commission, to be guilty of—

- i. Obtaining support of his/her candidature by any means ; or
- ii. Impersonating ; or
- iii. Procuring impersonation by any person ; or
- iv. Submitting fabricated documents or documents which have been tampered with ; or

- v. Making statements which are incorrect or false or suppressing material information ; or
- vi. Resorting to any other irregular or improper means in connection with his/her candidature for the examination ; or
- vii. Using unfair means during the examination ; or
- viii. Writing irrelevant matter including obscene language or pornographic matter, in the script (s) ; or
- ix. Misbehaving in any other manner, in the examination hall, or
- x. Harassing or doing bodily harm to the staff employed by the Commission for the conduct of their examination ; or
- xi. attempting to commit or, as the case may be, abetting the Commission of all or any of the acts specified in the foregoing clauses may, in addition to rendering himself/herself liable criminal prosecution, be liable—
 - a. to be debarred by the Commission for appealing in the examination, and/or
 - b. to be debarred either permanently or for a specified period —
 - i. By the Commission from any examination or selection held by them ;
 - ii. By the State Government from any employment under them ; and
 - c. if he/she is already in service under Government, disciplinary action under the appropriate rules.

Important

1. Candidates must fill the form strictly according to the instructions.
2. Candidates must ensure that no item of application form is left blank or wrongly filled, as information furnished therein would be used for deciding the eligibility of the candidate for being admitted to the examination. Application forms not filled correctly and as per the

instructions are liable to be rejected and the onus of such rejection would be on the candidate himself/herself. The Commission will not entertain any claim in respect of such rejection.

3. Fee amount be paid in cash through the counters of J&K Bank opened in PSC Offices at Srinagar/Jammu.
4. Application forms should be sent/delivered to the Controller of Examinations, J&K Public Service Commission, Reshamghar Colony, Bakshi Nagar, Jammu/Polo Ground, Srinagar.
5. For any query visit the Commission's Website www.jkpsc.nic.in or Commission's facilitation centre at Jammu/Srinagar or dial Number 2566533 (Jammu) and 2486113 (Srinagar).
7. **Centres of Examination** :—The examination will be held at different centers located in Jammu and Srinagar cities. However, the allotment of centers shall be at the sole discretion of the Commission.
8. **Correspondence with the Commission** :—The Commission will not enter into any correspondence with the candidates about their candidature except in the following cases :—
 - a. If a candidate does not receive the Admission Certificate or any other communication regarding his/her candidature for the examination 5 days before the commencement of the examination, he/she should at once contact the Commission's office at Reshamghar Colony, Bakshi Nagar, Jammu/Polo Ground, Srinagar for obtaining a duplicate copy of Admission Certificate.
 - b. Change in address, if any, should be communicated to the Commission at the earliest. Although the Commission would make every effort to take account of such changes, it cannot accept any responsibility in this regard.

Important :—All correspondence with the Commission should invariably contain following particulars :—

1. Name and year of the examination :

2. Full name of the candidate (in Block Letters) with parentage ; and
 3. Complete postal address as given in the application.
9. The candidates should also note that their admission at all the stages of examination will be provisional and subject to fulfilling the prescribed eligibility conditions.

(Sd.) PARVAIZ AHMAD RAINA, KAS,

Deputy Secretary and Assistant Controller of Examinations,
J&K Public Service Commission.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE GENERAL MANAGER, RANBIR
GOVERNMENT PRESS, JAMMU

Extension Tender Notice

Due to poor response, the date of Receipt of the Tenders invited vide this office No. RGPJ/35-42 dated 16-05-2014, and Extension Tender Notice No. RGPJ/53-60 dated 04-06-2014 for supply of Press Material for the year 2014-15, is hereby further extended upto 26-06-2014 till 10-00 A. M.

(Sd.) F. H. QADRI,

General Manager.

سرکار بنام شاہد الاسلام شیخ
علت نمبر 61، سال 2005ء، تھانہ پولیس خانیار
بجرائم زیر دفعہ 454-380 RPC

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم۔ Shahid-ul-Islam Seikh S/O Umer Husain
Seikh R/O Garhi Sharief District Deccan
(24-Parganna) Calcutta West Bengal A/P Kathi
Darwaza Rainawari Srinagar

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ
18-12-2012 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے
خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رو سے حکم و اختیار دیا جاتا ہے کہ
ملزم مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب
ہوئے تو اس کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح
رہے کہ تا دستیابی ملزم مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 18 ماہ دسمبر 2012۔ تحریر الصدر

دستخط۔ فسٹ ایڈیشنل منصف جوڈیشل مجسٹریٹ سرینگر

• • • • •

سرکار بنام عاطف احمد لٹو وغیرہ

علت نمبر 37، سال 2003ء، تھانہ پولیس مائسمہ

بجرائم زیر دفعہ 457-380 RPC

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم۔ عاطف احمد لٹو ولد غلام محمد لٹو ساکنہ بند مائسمہ (کوکر بازار)
امیر اکدل سرینگر

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ
13-12-2012 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے
خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رُو سے حکم اختیار دیا جاتا ہے کہ
ملزم مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب
ہوئے تو ان کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح رہے
کہ تا دستیابی ملزم مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 13 ماہ دسمبر 2012۔ تحریر الصدر

سرکار بنام خالد احمد بابا وغیرہ

علت نمبر 86، سال 2000ء، تھانہ پولیس صورہ

بجرائم زیر دفعہ RPC 379-354-323-447

وارنٹ گشتی عام زیر دفعہ 512 ضف

بخلاف ملزم/ملزمان۔ (1) خالد احمد بابا عرف جان محمد

(2) مشتاق احمد بابا پسران مرحوم علی محمد بابا ساکنان راتھر محلہ صورہ

(3) فاروق احمد بانگی ولد محمد سلطان بانگی ساکنہ آنچار صورہ سرینگر

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ

14-12-2012 کارروائی زیر دفعہ 512 ضف عمل میں لائی جا چکی ہے اور ملزمان کے

خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رُو سے حکم اختیار دیا جاتا ہے کہ

ملزم/ملزمان مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی

دستیاب ہوئے تو ان کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔

واضح رہے کہ تا دستیابی ملزم/ملزمان مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 14 ماہ دسمبر 2012۔ تحریر الصدر

ملزم/ ملزمان مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہوئے تو اُن کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح رہے کہ تا دستیابی ملزم/ ملزمان مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔
تحریر بتاریخ 18 ماہ دسمبر 2012ء۔ تحریر الصدور

سرکار بنام طارق احمد شیخ

علت نمبر 157، سال 2003ء، تھانہ پولیس شیر گڑھی

بجرائم زیر دفعہ 341-323 RPC

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم۔ طارق احمد شیخ ولد محمد مقبول شیخ ساکنہ گاندربل حال شالہ پورہ ساکنہ ٹلا باغ

گاندربل حال شالپورہ آلوچہ باغ سرینگر

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدور میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ

2012-12-04 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رُو سے حکم اختیار دیا جاتا ہے کہ ملزم مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہو تو اس کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح رہے کہ تا دستیابی ملزم مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 04 ماہ دسمبر 2012ء۔ تحریر الصدور

خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رُو سے حکم و اختیار دیا جاتا ہے کہ ملزم مندرجہ صدر جب کبھی بھی اندر حد و ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہوئے تو اُن کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح رہے کہ تا دستیابی ملزم مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 12 ماہ دسمبر 2012۔ تحریر الصدور

سرکار بنام محمد رمضان میر وغیرہ

علت نمبر 187، سال 2000ء، تھانہ پولیس صفا کدل

بجرائم زیر دفعہ RPC 323-354-451

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم/ملزمان۔ (1) محمد رمضان میر (2) عبدالسلام میر پسران عبدالصمد میر

(3) محمد عارف میر ولد محمد رمضان میر ساکنہ وانپور خندہ پلوامہ

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدور میں ملزم/ملزمان مندرجہ صدر کے خلاف قرار حکم محررہ

2012-12-18 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم/ملزمان

کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رُو سے حکم و اختیار دیا جاتا ہے کہ

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ 03-12-2012 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رو سے حکم و اختیار دیا جاتا ہے کہ ملزم مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی دستیاب ہوئے تو اُن کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔ واضح رہے کہ تادستیابی ملزم مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔

تحریر بتاریخ 03 ماہ دسمبر 2012۔ تحریر الصدر

سرکار بنام فاروق احمد زرگر

علت نمبر 64، سال 2002ء، تھانہ پولیس M.R Gunj

بجرائم زیر دفعہ RPC 341-323

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم۔ فاروق احمد زرگر ولد غلام حسن زرگر ساکنہ رعناواری کلووال محلہ سرینگر

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مندرجہ صدر کے خلاف قرار حکم محررہ

12-12-2012 کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے

بخلاف ملزم/ملزمان۔ (1) Feroz S/O Mohd. Sultan Dar and
(2) Shabir Ahmed Rather S/O Mohd Abdullah Rather
Both Residents of Athwajan Srinagar.

حکم بنام۔ اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم/ملزمان مندرجہ صدر کے خلاف قرار حکم محررہ
10-12-2012 کارروائی زبردفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم/ملزمان
کے خلاف وارنٹ جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے۔

لہذا آپ کو وارنٹ گرفتاری گشتی عام ہذا کی رو سے حکم و اختیار دیا جاتا ہے کہ
ملزم/ملزمان مندرجہ صدر جب کبھی بھی اندر حدود ریاست جموں و کشمیر جہاں کہیں بھی
دستیاب ہوئے تو ان کو گرفتار کر کے تحت ضابطہ کے عدالت ہذا کے روبرو پیش کریں۔
 واضح رہے کہ تادستیابی ملزم/ملزمان مندرجہ صدر وارنٹ ہذا زیر کار (نافذ العمل) رہے گا۔
تحریر بتاریخ 10 ماہ دسمبر 2012۔ تحریر الصدر

سرکار بنام غلام احمد خان

علت نمبر 34، سال 2001ء، تھانہ پولیس M.R.GUNJ

بجرائم زیر دفعہ 285 RPC

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ض ف

بخلاف ملزم۔ غلام احمد خان ولد عبدالعزیز خان ساکنہ اسلام یارہ بل سرینگر ساکنہ پہرہ نو گام



رجسٹرڈ نمبر جے کے۔ 33

جموں کشمیر گورنمنٹ گزٹ

جلد نمبر 127۔ سرینگر۔ مورخہ 26 جون 2014ء بمطابق 05 اشادہ 1936 ویروار۔ نمبر 13

استہارات

از عدالت فسط ایڈیشنل منصف جوڈیشل مجسٹریٹ سرینگر

سرکار بنام فیروز احمد ڈار وغیرہ

علت نمبر 46، سال 2004ء، تھانہ پولیس پانٹہ چوک

جرانم زیر دفعہ 452-353 RPC

وارنٹ گرفتاری گشتی عام زیر دفعہ 512 ضف